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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

YUGOSLAVIA* **

[19 November 1998]

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* The initial reports concerning rights covered by articles 6 to 9 (E/1978/8/Add.35), 10 to 12 (E/1980/6/Add.30) and 13 to 15 (E/1982/3/Add.39) submitted by the Government of Yugoslavia were considered in 1982 (E/1982/WG.1/SR.4-5), 1983 (E/1983/WG.1/SR.3) and in 1988 (E/C.12/1988/SR.14-15) respectively. The second periodic report concerning rights covered by articles 6 to 9 (E/1984/7/Add.10) was considered in 1984 (E/1984/WG.1/SR.16 and 18).

** The information submitted by Yugoslavia in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.40).

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Introduction

1. The Federal Republic of Yugoslavia (FRY) comprises two member republics - the Republic of Serbia and the Republic of Montenegro. It is situated in south-eastern Europe, in the central part of the Balkan peninsula, covering the area of 102,173 square kilometres.

2. FRY is a multi-ethnic, multilingual and multi-confessional State. The population is composed mostly of Serbs and Montenegrins (67.7 per cent), whereas national minorities, ethnic and religious groups account for almost one third (32.4 per cent) of the population.

3. FRY guarantees equality and freedom in the exercise of religious rites and religious affairs. There is no State religion, because the Church is separate from the State. Among the existing churches, the Orthodox Church is the most influential because the majority of the population belong to the Orthodox religion by tradition.

4. The basic principles of the economic system of FRY are: inviolability of ownership, independence and equality of economic entities and equal economic circumstances, and adherence to the principles of the free market.

Article 1

5. The FRY Constitution stipulates that property is inviolable and that no one may be deprived of his property, nor may it be restricted, except when so required by the public interest, as determined by law, subject to fair remuneration which may not be below its market value (art. 69, paras. 2 and 3).

6. The law may introduce restrictions on the disposition of a portion of the assets owned by juridical and natural persons in time of war, an imminent threat of war, or any other emergency, for the duration of the state of emergency, or it may impose a special regime for its utilization (art. 75).

7. Natural resources in FRY are owned by the State (art. 73, para. 1). Some property in the public domain and municipal building sites may be in private and other forms of ownership, in accordance with the law (art. 73, para. 3).

8. The Constitution guarantees the freedom to work. Enterprises and other manufacturing and service organizations are founded, organized and merged freely and autonomously, in conformity with federal statute. Economic entities are independent and equal, and terms of business are equal for all (art. 74, paras. 1 and 2).

9. Federal laws adopted in the field of economic legislation (Enterprise Law, Law on Foreign Trade, Law on the Foundations of Ownership-Legal Relations, Law on Foreign Investments, etc.) have created the legal basis which guarantees a market economy, a development orientation and independent business operations and, in particular, harmonization of domestic law with national legislation in the countries of the European Union.

Article 2

10. FRY is a sovereign federal State of equal citizens and equal member republics (art. 1). Citizens are equal irrespective of their nationality, race, sex, language, religion, political and other beliefs, education, social origin, property, or other personal status (art. 20).

11. The provision under which any incitement or encouragement of national, racial, religious or other inequality as well as the incitement and fomenting of national, racial, religious and other hatred and intolerance is unconstitutional and punishable (art. 50) is also aimed at the strengthening of the general principle of non-discrimination.

12. Given that FRY belongs to the category of developing countries, its approach to foreign citizens, living occasionally or temporarily in the country, is noteworthy. The Constitution guarantees aliens the freedoms and the rights and duties laid out in the Constitution, federal law and international treaties (art. 66). An alien may acquire property rights (including the property rights to land) and the right to engage in business on terms of reciprocity and in accordance with federal law (art. 70, paras. 1 and 3)

13. Regarding property rights and the right to engage in business, federal laws adopted within the economic legislation stipulate that, in compliance with the constitutional commitment on reciprocity, foreign juridical and natural persons are equal to domestic juridical and natural persons.

Article 3

14. See the special report of the FRY Government on the implementation on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/YUG/SP.1 of 10 December 1993, Part One, articles 1-2, item 1) submitted to the Committee on the Elimination of Discrimination against Women (CEDAW) at its thirteenth session.

Article 4

15. The rights and freedoms of man and the citizen are exercised and duties fulfilled in conformity with the Constitution (art. 67, para. 1). The manner in which various rights and freedoms of man and the citizen are to be exercised may be prescribed by law when so provided by the Constitution or when necessary for their implementation (art. 67).

Article 5

16. The provisions of article 16 and article 124, item 2, of the FRY Constitution provide guarantees that article 5 of the Covenant shall be complied with. Namely, FRY has explicitly declared that it shall fulfil in good faith the obligations contained in international treaties to which it is a party, and that such international treaties, including generally accepted rules of international law, are a constituent part of the internal legal order (art. 16).

17. The Federal Constitutional Court rules on the conformity of laws and other regulations not only with the FRY Constitution but also with ratified and promulgated international treaties (art. 124, para. 1, item 2), whereby international treaties are recognized as having legal force stronger than the laws.

Article 6

18. In accordance with the ratified ILO Convention Nos. 122 on employment policy and 111 on discrimination in employment and occupation, and the International Convention on the Elimination of All Forms of Racial Discrimination, the legislation and administrative practice of FRY and its member republics do not contain any differences, exclusions or better treatment based on race, religion, ethnic or any other background, political commitment, sex, social origin, property or other basis.

19. The FRY Constitution and the constitutions of the member republics guarantee the freedom to work and engage in economic activities, choose one's own profession and become employed under equal conditions. Freedom to work, that is, freedom to become employed under equal conditions, as well as protection of workers against all forms of discrimination, is provided and is applied through employment laws of the member republics.

20. Employment is provided to persons fulfilling general conditions established by the federal Law on Employment and special conditions stipulated by law or by the employer (Law on Employment, art. 7, paras. 1 and 2). A foreign citizen and a stateless person may take up employment in accordance with the Law on Employment and the conditions established by the Law on Employment of Foreign Persons. Foreign citizens or stateless persons may take up employment under the same conditions as FRY citizens, as envisaged by the Law on Employment, provided that they have the permission for permanent stay or for temporary stay in FRY and that their taking up employment is approved.

21. The special report submitted to CEDAW, cited above, presents in detail the position of women in FRY, parts of the report are cited here.

22. The FRY Constitution, article 69, paragraph 1, guarantees the freedom to work and engage in economic activities. In 1987, Yugoslavia ratified ILO Convention No. 156 on workers with family responsibilities.

23. No legal provision draws a distinction between the rights of men and women to work or take up employment. The federal Law on Employment envisages uniform criteria for employment, stipulating a minimum age of 15 years and general good health. Special conditions for employment for particular work are established by law and general enactment. The republican Laws on Employment also do not make any differentiation in right according to sex. The right to become employed under the same conditions has been provided, including application of equal criteria in choosing the candidates for a job.

24. The data on the overall employment trends indicate that in the past 10 years, employment of women grew steadily relative to the total number

of employed. However, employed women masters and doctors of science still account for a smaller number in the total number of employed masters and doctors of science than men.

25. The share of women in registered unemployed persons grew in 1996 to 55.1 per cent. Among unemployed women, 58.7 per cent were younger than 30 (in principle, first-job seekers), and only 4.7 per cent were older than 50.

26. The war in the neighbouring countries, a huge inflow of refugees (about 700,000), the disintegration of the former Yugoslav market and imposition of the United Nations Security Council sanctions, caused a dramatic decline in the standard of living of the population in FRY. Overall measurable losses suffered by the economy and society in the period 1991-1997 amounted to over US$ 94.5 billion. The assessed overall losses incurred as a result of the international sanctions amounted to over US$ 64.8 billion, and losses incurred as a result of discontinuance of inter-republican relations amounted to over US$ 29.6 billion. The biggest losses within those incurred as a result of the sanctions were caused by foregone gross domestic product, amounting to over US$ 58.1 billion. These losses were augmented by over US$ 6.7 billion as a result of foregone net foreign exchange inflow based on remittances and interest from abroad, the brain drain and not-withdrawn external funds. It has been assessed that the extended adverse effect of sanctions in the period 1998-2005 will cause a loss in gross domestic product of another US$ 32.5 billion. Thus, overall losses caused by the effect of the Security Council sanctions in the period 1991-2005 will amount to over US$ 97.4 billion*.

27. In such a situation, a large part of the population is on the verge of poverty. The economically active population was forced, much more than before, to engage in other activities in addition to their regular jobs, if they had them, in order to protect their living standards or, in most cases, to provide for bare subsistence. Such work especially characterized those employed persons for whom enterprises did not have enough work and who were occasionally, sometimes even for long periods, forced to take leaves of absence, with wages lower than those which they would have earned had they worked. Also, there was a dramatic decline in resources available for public spending, for which reason social allowances were considerably reduced. The scope of social entitlements remained unchanged, but their real level was considerably reduced, whereby their quality, and the financing of many services, were put at risk.

28. When the economic crisis culminated in 1993, FRY adopted a Programme for Reconstruction of the Monetary System and Economic Recovery of Yugoslavia. The implementation of this programme started in early 1994 and it envisaged a series of steps aimed at increasing employment both of those who had regular jobs but not enough work and those who were registered as unemployed. The policy which was the cornerstone of the programme and was to be complemented

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* Analysis of the effect of sanctions on the economy and the society of FRY Yugoslavia, adopted at the seventy-second session of the Federal Government on 5 March 1998.

in the following years, for the purposes of increasing employment, was, first and foremost, the economic recovery of the country through ownership and structural transformation and development of a market economy with particular emphasis on the strengthening of services and development of private entrepreneurship. These policies should provide jobs for the unemployed within the public and private sectors, as well as for technically redundant workers.

29. The economic recovery programme and economic policy measures laid the foundation for accelerated privatization in FRY, opening up of the economy and other measures aimed at increased productivity, starting with improved conditions of business operations and the creation of real possibilities for enterprises to rid themselves of redundant workers, as well as at resolving employment issues and providing for the subsistence of these workers outside enterprises.

30. Technical and professional training programmes, in general, may be classified in two groups: the first group comprises training programmes within the regular school system (after the compulsory eight-year elementary schooling) in secondary and higher vocational training schools and at the university; the second group comprises training programmes which enable retraining or additional training of the unemployed for the purposes of employment and which enable already employed persons to acquire new knowledge and skills in order to advance in their careers or change their jobs. These programmes are implemented both in regular schools and at the university and in institutions established for this particular purpose. All these programmes are accessible to all citizens of FRY under equal conditions.

31. In 1996, employment in the dominant social (public) sector was 2,075,000, i.e. 19.6 per cent of the total population. In addition, employment in the private non-agricultural sector was assessed at about 800,000 (with a constant upward trend); part of the population (about 830,000) is actively engaged in private agriculture which amounted to some 35 per cent of the total population in 1997.

32. Registered unemployment in 1996 was 819,000 persons (720,000 in 1994).

33. Since 1996, labour legislation has been intensively amended. Changes in the federal and republican laws were made primarily in parts that could hinder the transition process of the Yugoslav economy. The changes did not affect the exercise of the right to work; some are even intended to expand the possibilities for employment in the public and private sectors (shorter working hours, occasional and temporary employment, etc.).

34. Under the conditions of the Security Council sanctions, which hit the economy of FRY hard and resulted in a dramatic drop in employment, which culminated in 1993, there were no possibilities or indications of cooperation or assistance towards implementation of the provisions of article 6 of the Covenant, either by relevant international organizations or by individual States. It was the fundamental part of the body of human rights, primarily the right to work and become employed, that was jeopardized by sanctions, which, in particular, hindered the promotion of the legal protection of the employed and the maintenance of a minimum standard of living.

Article 7

35. As a party to the conventions of the International Labour Organization, FRY has more or less ensured, even under the conditions of stringent sanctions imposed by the international community, the maintenance of international legal standards as contained in Convention No. 131 on fixing minimum wages, No. 100 on equal remuneration, No. 14 on weekly rest, No. 132 on holidays with pay, No. 81 on labour inspection, No. 129 on labour inspection (agriculture) and No. 155 on occupational safety and health. Under difficult conditions, FRY thus preserved fundamental rights stemming from employment and exerted considerable efforts in the attempt to secure minimum safety at work, where the effects of sanctions and the international blockade were especially inhuman.

36. The wages of persons employed in enterprises and other business organizations and other organizations engaged in public services, and by other juridical persons, are paid in accordance with collective agreements which are harmonized with labour legislation. The character of ownership, except for State authorities, has no influence on the manner of payment of wages. Wages in State authorities, authorities of territorial autonomy and local self-governance are paid in accordance with the relevant laws and legal enactments.

37. Collective agreements may be general, branch or collective agreements with the employer. General collective agreements are concluded for the entire territory of the republic and apply to all employers and employees. General collective agreements are presently applied in Serbia and Montenegro, and conclusion of a General Collective Agreement which will be applied throughout FRY is planned. Branch collective agreements, which are concluded for one or several economic or non-economic branches in the territory of the republic, are applied to all employees and employers in particular branches.

38. Collective agreements which are concluded with an employer are applied to all employees of the particular employer. This means that the provisions of collective agreements also apply to those employees who are not members of the trade union that is the signatory to the collective agreement, and to those employers who are not members of the employers' union which signed the collective agreement. If they so envisage, general and branch agreements may also be applied directly. Branch, i.e. collective agreements with the employer may not establish lesser rights or less favourable working conditions of employees than those established by the general or branch collective agreement, meaning that the labour cost, i.e. wages in collective agreements with the employer, may not be established in lower amounts than those stemming from the general or branch collective agreement.

39. According to the General Collective Agreement in the Republic of Serbia, the following are starting principles in negotiations on labour costs and wages:

- subsistence and social needs of the employee and his/her family in accordance with the general level of development;

- achieved, assessed and projected share of net wages in the GDP;

- unemployment rate and employment policy;

- general level of economic development of the republic and individual activities.

40. The starting point in establishing the wages in collective agreements with the employer is the labour cost established in branch collective agreements and the following indicators:

- the achieved level of wages and their relation to wages in other enterprises in the same branch;

- increase in the cost of living;

- the share of wages in the costs of operation;

- the achieved and planned financial/business performance.

41. The labour cost for the simplest work (minimum wage) with the employer is negotiated. With some exceptions, this amount may not be lower than that under the branch collective agreement. The labour cost for typical jobs in the branch agreement and for all jobs in the collective agreement with the employer is established by multiplying the labour cost for the simplest work by a ratio which evaluates the complexity, responsibility and conditions of work. An employee is entitled to a part of the wage based on performance which is established on the basis of the labour norms and standards, that is, collective and individual labour norms and other criteria established by the employer. According to the collective agreement, an employee is also entitled to a wage increase in established percentages, such as: based on the period of service, work during State holidays, work at night and overtime work. A branch or collective agreement with the employer may stipulate the entitlement of the worker to a part of the enterprise's profit, based on the established or estimated business performance.

42. Employed persons are also entitled to full wage remuneration during leaves of absence in the following cases:

- during the period of vacation;

- for State and religious holidays;

- during temporary absence from work because of injury at work or occupational disease;

- paid leave of absence;

- voluntary donation of blood, tissues and other organs;

- vocational training and education required by the work process;

- attendance, in the capacity of a member, of sessions of State authorities, administrative authorities and local self-governance bodies, bodies of the chamber of economy, the employer's management authorities and trade union and trade union federation bodies;

- participation in working manufacturing competitions, exhibitions of innovations and other forms of creative work.

43. Remuneration to employees during leaves of absence, amounting to 80 per cent of the wages which he/she would earn on the job, is paid in the following cases:

- during the period of waiting to be assigned to another job;

- during the period of waiting for retraining or acquiring additional skills according to the provisions of pension and disability and health insurance, as well as during the period of retraining or acquiring additional skills;

- termination of work resulting from an order by a competent court or authorized officer, or from lack of safety at work.

44. The employer is obliged to provide to the employee wage remuneration during the employee's temporary absence from work resulting from disease or injury outside work (sick leave) amounting to a minimum of 80 per cent of the wage earned by the employee in the month preceding the month in which temporary disability took place.

45. The employer is also obliged to provide other allowances to the employee, including: vacation allowance, severance pay upon termination of employment for retirement or loss of ability to work, assistance to the family in case of the employee's death, compensation of costs of transportation to and from work, monthly compensation for food during the working hours, per diems for official travel in the country and abroad, as a field allowance. According to the General Collective Agreement, the employer may provide the employee with a jubilee award for long years of service, solidarity assistance pursuant to the collective agreement with the employer, and a loan for the purchase of winter fuel, food for winter and textbooks.

46. According to the General Collective Agreement, in Montenegro the employee's salary consists of wages for work performed plus a bonus. The wage for the work performed is established based on labour costs related to a particular job, as fixed by collective agreements. Basic labour costs are established by multiplying the lowest labour cost for the simplest work by a coefficient by groups of jobs ranging from 1.00 for the first group of jobs (unskilled worker) to 3.20 for the tenth group of jobs (doctorate of sciences).

47. The lowest labour cost for the simplest work (minimum wage) is established on the basis of a particular methodology with the following underlying principles:

(a) The needs of employed persons and their families (which are established, based on the value of the necessary foodstuffs for the average four-member family, plus living costs, i.e. clothing, footwear, transport, health care, hygiene, education, culture, etc.);

(b) Wages and other income of employed persons and their families;

(c) Economic factors (production trends and the employers' possibility to pay wages at a certain level);

(d) Other important indicators and factors (cost of living, standard of living of other social groups, etc.).

48. Branch and collective agreements establish basic labour prices for typical and other jobs which, within particular groups of jobs, may not be lower than the basic labour costs established by the General Collective Agreement. In exceptional cases, in case of disturbed business operations, labour costs 20 per cent lower than the base may be established.

49. The employed person's salary is augmented in case of work in conditions which are more difficult than normal for a particular job (climate, noise, vibrations, irradiation, humidity, harmful gases, biologically harmful substances, physical strain, work with dirty materials, danger caused by tools or objects, means of transport, waste materials, electricity, explosions, heat, corrosive materials, etc.), which need to be made specific by special or individual collective agreements.

50. Salaries are raised each new year by a certain percentage. The employer is obliged to increase the wage also in cases of night work, overtime work, work during public and religious holidays, work with a break longer than one hour and standby at home.

51. Under the General Collective Agreement, the employer is obliged to provide employed persons with wage compensation during a period of absence from work, amounting to 100 per cent of the wage, in the following cases:

- Vacation and prize-winning leave;
- Public and religious holidays in accordance with the law;
- Temporary absence from work caused by injury at work or occupational disease;
- Paid leave of absence in accordance with the collective agreement;
- Vocational training and acquiring skills needed for the work process;
- Attendance at meetings of trade-union bodies and State and other authorities in the capacity of a member;
- Participation in work-manufacturing competitions.

52. In case of discontinuance of work not caused by an employed person's fault, remuneration amounts to 80 per cent of the hourly wage, with the obligation to come to work.

53. In Montenegro, remuneration to employed persons during temporary absence from work caused by disease or injury outside work is regulated by health-care legislation. Remuneration is established on the basis of the average wage which the employed person earned in the last three months preceding the disease or injury. This basis is harmonized each month with increases in the wages, if the temporary absence from work lasts longer than one month. Compensation amounts to not less than 70 per cent of the base.

54. Under the General Collective Agreement, the employer is obliged to provide other benefits to employed persons, including: vacation subsidy, funds for winter food or heating fuel, retirement bonus, jubilee award for long years of service, monthly compensation for food during the working hours, per diems for business trips in the country and abroad, field allowance, allowance for separation from the family, and compensation for cost of transport to and from work. According to the General Collective Agreement, the employer may provide assistance in case of longer or serious disease, medical rehabilitation of the employed person or a member of his immediate family, procurement of medicaments and treatment of the employed person or his family member or, in the case of death, of the employee's family member.

55. The manner of payment of salaries in State authorities of FRY, the Republic of Serbia and the Republic of Montenegro is regulated by separate regulations, for which reason the amounts of salaries of government employees differ by republics. In principle, the wage basis for each month for which the payment is made is established by the federal or republican government for its respective authorities, multiplied by coefficients which evaluate the jobs according to complexity and responsibility in their performance. Wages and other remuneration are mostly established in accordance with the valid general collective agreement.

56. The federal Law on Employment establishes the right of the employed person to a guaranteed wage for covering his subsistence costs. In the Republic of Serbia, this wage is to be paid only by an employer whose business operations have been disrupted making him temporarily unable to pay wages in accordance with the collective agreement. The amount as established by the republican government. In Montenegro, this wage is 65 per cent of the minimum wage. The present practice is to establish low levels of guaranteed wage (200 dinars in Serbia and 208 dinars in Montenegro in June 1997).

57. Most enterprises which pay guaranteed wages do not use their own funds for such payments but rather use favourable loans from the competent republican funds. These funds are often unable to meet all requests in time, for which reason the guaranteed wages, although low, are delayed.

58. The basic laws and by-laws which ensure the implementation of the provisions on work safety in FRY include: the Constitution of FRY, republican constitutions, republican laws on work safety, republican laws on labour inspection, regulations on work safety, the respective standards of FRY, specific provisions in enterprises and international conventions on work

safety ratified by Yugoslavia. All these regulations regulate in detail the issues related to safety (techniques, etc.) and health safety (regular, periodic, targeted medical check-ups).

59. In accordance with ILO Convention No. 81, FRY submits each year its report on the state of work safety and labour inspection. The last report was submitted in 1996 for 1995.

60. FRY has not relieved groups of workers or individual activities from obligations prescribed by international conventions, especially not from the provisions of Convention Nos. 81, 129 and 155 of the International Labour Organization.

61. During the period of the United Nations Security Council sanctions, it was very difficult, or even impossible, for FRY to import medicaments, raw materials for medicaments, medical supplies, instruments and their spare parts, materials for personal protection of workers, measuring instruments and their spare parts, various chemicals which are required for various analyses in health care and micro-climate tests of working conditions, scientific and technical books, etc. It was made impossible for FRY to fully apply many of the provisions of ratified international conventions in the field of work safety, as well as of international humanitarian law, including provisions on human rights like the right to life, to health and to healthy and safe working conditions. The Yugoslav enterprises, for that reason, made particular efforts to provide at least the minimum work safety conditions.

62. The Constitution of the Federal Republic of Yugoslavia guarantees free choice of occupation and employment (art. 54). The Constitution of the Republic of Serbia is even more specific, stipulating that everybody is entitled to work and guaranteeing freedom to work, free choice of profession and employment and participation in management. Each individual has access to a job and function under equal conditions.

63. The federal Law on Employment establishes that each worker has the right and duty to be trained and receive advanced training in accordance with the needs of the work process. The Law on Employment of the Republic of Serbia prescribes that employment shall be provided to a person who is older than 15, has general good health and meets the particular work conditions for the job. The general enactment or law establishes the level of skill required for particular types of occupation, the required knowledge and ability and other special conditions for the particular job.

64. The Constitution of FRY establishes that employed persons are entitled to limited working hours, daily and weekly rest, paid annual vacation and absence in accordance with the law, i.e. the collective agreement. These are inalienable rights of each individual.

65. The federal Law on Employment and the republican laws on employment stipulate 40 hours a week for full-time work. A worker may be employed for less than 40 hours in cases established by law (Law on Employment of the Republic of Serbia, art. 40). In such a case, a worker employed on a job envisaging shorter working hours may be employed in several enterprises, thus working full working hours.

66. The law regulates the institution of shorter working hours. The working hours of a worker who has an extremely difficult or hazardous job are shortened in proportion to the harmful effect on his health or capacity to work. Such jobs are defined by the general act in accordance with the collective agreement. The Serbia Law in Employment, in its article 42, envisages that the employer may introduce working hours shorter than full working hours when the work is performed in three or four shifts, or at night, if it is so required by the work technology and in other cases defined by the collective agreement. Working hours, even in these cases, cannot be shorter than 35 hours a week. Employees working shorter hours have the same rights as employees working full working hours.

67. The working hours of an employee may last longer than full working hours under the conditions established by the law, or the collective agreement, but not longer than by 10 hours more per week. An employee may be obliged to work for more than 10 hours longer in case of natural disasters and other cases established by the law. The decision on working hours longer than full working hours is made by the manager. The schedule of working days within the total annual working hours is also established by the manager's decision.

68. The competent state authority, i.e. authority of the local self-government unit, may, and in cases established by law must define the schedule, the start and the end of the working hours in certain activities and for certain jobs. In a certain period, the working hours in an enterprise may last longer, and in some other period shorter than 40 hours a week (redistribution of work), if this is required by the work process and organization, is a better use of the means of work, a more rational use of the working hours, etc., provided that the total working hours of a worker do not exceed 40 hours per working week averaged over a year. For a worker who works in the conditions of redistributed working hours, the use of daily and weekly rest may be defined in a different manner, provided that the daily and weekly rests are within the limit established by law.

69. The employed person is entitled to a 30-minute rest during the working day. This time is calculated as part of the working hours. The rest during work is organized in a manner which makes sure that the work is not discontinued if the nature of the work does not allow discontinuance or in case of work with clients. The law also guarantees to the employee the right to a daily rest between two consecutive working days of a minimum of 12 consecutive hours. During work on seasonal activities, an employee is entitled to a daily rest of a minimum of 10 consecutive hours, and a worker younger than 18 to a minimum of 12 consecutive hours.

70. An employed person is entitled to a weekly rest of not less than 24 consecutive hours. If he/she is obliged to work on a day of his/her weekly rest, he/she must be provided with one day during the following week for such a rest.

71. An employee is entitled to an annual vacation of a minimum of 18 working days a year. The vacation period is established by the competent authority, i.e. the employer, based on the criteria established by the law or collective agreement. The Law on Employment of the Republic of Serbia (art. 55) stipulates that the annual leave may be used in two parts. If the employee

takes his annual leave in parts, the first part must last not less than 12 working days in the calendar year in question and the second part must be taken by 30 June of the next year at the latest. The annual leave will be extended by 6 working days for any employee with over 30 years of pensionable service or for any employee who is over 55 years old, for any employed woman with over 25 years of pensionable service or over 50 years of age, as well as for any employee aged below 18. Annual leave lasting up to 40 working days may be given to any employee with reduced working hours.

72. The employee must not be denied the right to a break in the course of work, and the right to a daily and weekly rest. The employee cannot relinquish his right to an annual leave, nor can that right be denied to him, and the employee is entitled to an annual leave allowance in the amount specified in his collective agreement. The employee is entitled to a paid leave of absence in the course of the calendar year in question of up to seven working days in case of: marriage, moving house, delivery of a baby by a close family member, taking of a professional examination, and in other cases specified by his collective agreement.

Article 8

73. In accordance with the ratified ILO Conventions No. 87 on freedom of association and protection of the right to organize and No. 98 on the right to organize and collective bargaining, the freedom of trade union organization and activity is guaranteed by the Federal Constitution as well as by the Constitutions of the republics and relevant federal and republican laws. Citizens are guaranteed the freedom of political, trade union and other association and activity, without approval and subject to notification with the competent agency (article 41 of the Constitution of FRY). Under the Constitution professional military officers and the police force do not have the right to engage in trade union activity (art. 42, para. 3). The Constitution further stipulates that trade unions are established in order to protect the rights and promote the professional and economic interests of their members (art. 41). The Constitution prohibits the activity of political, trade union and other organizations aimed at the violent overthrow of the constitutional order, the territorial integrity of FRY, violation of the guaranteed freedoms and rights of man and the citizen, or incitement of national, racial, religious and other intolerance and hatred (art. 42).

74. Two groups of laws further regulate trade union organization and activity. The first group includes laws in the field of employment (federal and republican), governing the issues of the role of trade unions and their specific rights and powers in the protection of workers' rights and the promotion of their professional and economic interests. The role of trade unions in the process of work is more closely regulated by general collective agreements for particular economic branches. The second group of laws (federal and republican, depending on the territory for which the trade unions are established) regulate the issues of the actual organization of trade union organizations and their entry in the registry.

75. The entry or registration is made by the competent ministry on the basis of an application by the relevant trade union organization or federation. Apart from the application, the applicant also submits the objectives as well

as the documents containing data on the name, seat, management bodies and the person authorized to represent the trade union. The deletion of a trade union organization from the registry takes place when it ceases to operate on the basis of its own decision or on the basis of a valid decision banning its work if its operation runs counter to the Constitution and the law as specified above.

76. All trade unions decide independently and develop their cooperation with their counterparts from other countries and have the right to join or become members of international organizations on the basis of their independent decisions. No restrictions can be imposed on the right of trade unions to operate freely. Their work can only be banned if they violate certain constitutional principles and the conditions of work specified by the law.

77. The Constitution of the Federal Republic of Yugoslavia stipulates that employees have the right to strike in order to protect their professional and economic interests (art. 57, para. 1). Strikes are regulated in more detail by the Law on Strikes.

78. The Constitution stipulates that employees of state agencies, professional members of the army and the police do not have the right to strike (art. 57, para. 3). It also stipulates that the right to strike can be restricted by federal law when this is mandated by the nature of the activity or by public interest. On the basis of this constitutional provision, the federal Law on Strikes also envisages certain limitations concerning the right to strike. According to the Law, the right to strike of employees engaged in an activity of public interest or in an activity whose interruption could pose a threat to human life and health or inflict large-scale damage may be exercised if the following special conditions are met (art. 9, para. 1 of the Law):

(a) The minimum of the process of work which ensures the safety of people and property or is an indispensable condition for the life and work of citizens or the operation of another enterprise, or a juridical or natural person engaged in an economic or other activity or service, (art. 10, para. 1 of the Law);

(b) Announcement of the strike must be made in a timely manner by sending the decision to strike to the employer or the competent government body and the competent body of local self-government (art. 11 of the Law).

79. Activities of public interest are the following:

Electric power generation and distribution system, water resource management, transport, information (radio and television), PTT services, the utilities, production of staple foods, health and veterinary care, education, social child care and social security;

Activities of particular importance for the defence and security of the Federal Republic of Yugoslavia, to be specified by the competent agency;

The affairs necessary for the carrying out of Yugoslavia's international obligations;

The activities whose interruption could put at risk human life and health or inflict large-scale damage, such as the chemical industry, the ferrous and non-ferrous metal industry.

80. There are no other restrictions regarding the organization of strikes nor are there any legal provisions concerning the exercise of the right to strike by certain categories of workers.

Article 9

81. All forms of social security listed in this item exist in FRY. In addition, the pension and disability insurance system also provides for other rights based on disability, physical impairment and the need for assistance and care by another person.

Old-age pension

82. The beneficiary acquires the right to an old-age pension when he (a) turns 60 years of age (55 for women) and has 20 years of pensionable service; (b) turns 65 (60 for women) and has at least 15 years' service; (c) is at least 50 years of age and has 40 years of service (35 for women).

83. Beneficiaries who have difficult, dangerous jobs or jobs detrimental to their health and beneficiaries who have jobs which they cannot successfully perform after turning a certain age are entitled, under the conditions specified by law, to a differential calculation of the contributory period and, depending on that, to a reduced age-limit for acquiring the right to a pension, but not after they turn 50.

84. The old-age pension is calculated as a percentage of the pension base which is obtained from the average monthly salary or the insurance base prevailing in 10 successive insurance years, whichever are the most favourable for the beneficiary. Salaries for the insurance bases from the previous years are evaluated according to the average salaries of the employees in the territory of the republic in the last calendar year preceding the year in which the right to a pension is claimed. The percentage of the old-age pension depends on the length of pensionable service, but must be not less than 35 per cent (man) or 40 per cent (woman), or more than 85 per cent of the pension base. The pension thus determined is adjusted in the course of the year to the average salary of the employees in the territory of the republic.

Rights based on disability

85. The rights based on disability are provided to beneficiaries in case of reduced or loss of working capacity. A beneficiary is considered disabled if his working capacity is permanently impaired or lost so that he cannot perform his work due to changes in his health status which cannot be removed by way of treatment or medical rehabilitation. The working capacity is reduced when, in the course of his working hours, the beneficiary is no longer able to perform the work he performed before the disability occurred without putting his health at risk. The beneficiary for whom reduced working capacity has been established can work full working hours at another workplace without putting his health at risk, with or without retraining or additional training. Such

beneficiary has the right to be transferred to another appropriate job, i.e. the right to appropriate employment, retraining or additional training, if necessary, as well as the right to appropriate pecuniary compensation in connection with the exercise of those rights. Pecuniary compensation is given in lieu of salary which he can no longer claim due to the onset of disability.

86. Loss of working capacity is permanent when the beneficiary is completely and permanently unable to perform his or any other appropriate job and if he cannot acquire the capacity to perform another appropriate job at full working hours by retraining or additional training. The beneficiary who loses his working capacity as well as the beneficiary with reduced working capacity who cannot acquire the skills for another appropriate job due to advanced age acquires the right to a disability pension provided:

(a) That the disability has been caused by an injury at work or occupational disease, regardless of the length of pensionable service;

(b) That one third of his working life has been spent in pensionable service, if the disability was caused by an injury outside working hours or by disease. This is calculated as the number of full years in the period from the day when the beneficiary turned 20 years of age (23 for post-secondary-school graduates or 26 years for university graduates), until the date of the onset of disability.

87. The disability pension is calculated in the same way as the old-age pension but it cannot be less than 45 per cent (man) or 55 per cent (woman) of the pension base. It equals 85 per cent if the disability in question was caused by an injury at work or occupational disease.

Family pension

88. The right to a family pension may be exercised by the following family members: a spouse, children (born in or out of wedlock or adopted; stepchildren supported by the beneficiary or the user of the right, grandchildren, brothers and sisters and other parentless children or children with one or two parents who are totally unable to work and who were supported by the beneficiary), parents (father and mother, stepfather and stepmother and adoptive parents) who were supported by the beneficiary or user of the right. Family pension may be also claimed by a former spouse if the right to maintenance has been granted him/her by a court decision.

89. The right to family pension may be exercised by the family members of a deceased beneficiary who has had a contributory period of at least 5 years or at least 10 years of pensionable service, or met the conditions for an old-age or disability pension, or family members of a deceased beneficiary of an old-age or disability pension or the right on the basis of remaining working capacity. If the beneficiary died as a result of an injury at work or an occupational disease, his family members will acquire the right to family pension regardless of the length of the beneficiary's pensionable service.

90. To qualify for a family pension family members have to fulfil special requirements. A widow will acquire a family pension: if she turns 45 years of age before the death of her husband or if, before the death of her spouse

or within one year from his death, she becomes unable to work or if, after the death of her spouse, she is left with one or more children who are entitled to a family pension and, as a widow, she performs parental duties with respect to those children. If she has not turned 45 at the time of her spouse's death but has turned 40, she will acquire the family pension right upon turning 45.

91. The family pension is determined as a percentage of the old-age or disability pension which the beneficiary would or did receive at the time of his death. The amount depends on the number of family members who are entitled to this pension, namely:

(a) If the pension is to be received only by immediate family members or only by extended family members of the beneficiary:

- for one member 70 per cent;
- for two members 80 per cent;
- for 3 members 90 per cent;
- for 4 or more members 100 per cent;

(b) If both the immediate and extended family members of the deceased beneficiary are entitled to the family pension, immediate family members will receive it in the percentages set out under (a) and the extended family members will receive the balance up to the amount of the old-age or disability pension of the deceased.

The amount of the family pension, in cases where the family pension is used by three or more family members or by orphaned children, may not be below 40 per cent of the pension base of the deceased beneficiary.

Cash benefit for bodily harm

92. Any beneficiaries who, due to an injury at work or an occupational disease, sustain a loss, considerable damage or incapacitation of particular organs or parts of the body thereby making normal activity difficult and calling for a stronger effort in order to meet their needs, are entitled to a cash compensation for bodily harm whose amount will depend on the degree of bodily harm, which must not be less than 30 per cent. The cash benefit is determined as a percentage of the average monthly salary of the employed paid out in the territory of the republic in the previous year.

The right to assistance and care by another person

93. The right to cash compensation for assistance and care by another person, if necessary because of the nature and the seriousness of the injury or disease, is established by the republican laws on pension and disability insurance on the basis of remaining working capacity. The cash compensation is determined as a certain percentage of the average monthly salary of the employed paid in the territory of the republic in the previous year.

Organization and financing

94. Compulsory pension and disability insurance covers all employed and self-employed persons and farmers. The funds for pension and disability insurance of the employed are provided out of the contributions paid by beneficiaries and employers; for self-employed persons and farmers, contributions are paid only by beneficiaries. The amount of the contribution is determined once a year in proportion to the expected expenditures of the pension and disability insurance funds for the coverage of the entitlements, in keeping with the regulations in force (on a pay-as-you-go basis).

95. In addition to the compulsory pension and disability insurance, for which republican pension and disability insurance funds are responsible, the law provides the possibility of voluntary pension and disability insurance for persons not covered by compulsory insurance or who wish additional coverage. Voluntary insurance may, apart from the existing funds, also be provided by other juridical persons. However, voluntary pension and disability insurance has not yet been applied in practice.

96. Pension and disability insurance covers all persons (and their family members) who are gainfully employed. Women enjoy particular protection as they acquire pension and disability insurance rights under more favourable terms (their age-limit is five years lower) and the number of women-beneficiaries is larger than that of men (the percentage for the same length of service is higher for women than men).

Article 10

97. The legal regulations of the Federal Republic of Yugoslavia and the member republics do not define the family in a uniform manner.

98. The family law of Montenegro defines the family as a living community of parents and children and other kinsmen who have mutual rights and obligations.

99. The Law on Marriage and Family Relations of Serbia, the main legal regulation governing marital and family relations, does not contain an explicit definition of the family. However, on the basis of the provisions on the family, it indirectly follows that the Law understands the family in a narrower sense as a community of two spouses or a community of parents and children, because it links family rights exclusively to them. It is only in case of regulation of certain property relations (maintenance) that the family is understood in a broader sense and the obligation concerning maintenance is extended to all kinsmen in the direct line and in the lateral line. The obligation relating to maintenance exists in all degrees between adults and adolescent brothers and sisters, and between stepfather and stepmother and stepchildren.

100. According to the Law on Social Care of Children of Serbia the family is made up of spouses or two people of different sexes and children (born in and out of wedlock, adopted and stepchildren) and kinsmen in the direct line and in the lateral line up to the second degree of kinship, provided they live in a common household.

101. The Law on Social Care and Provision of Social Security of Serbia defines the family in the following manner: for the purposes of exercising the right to material support the family is understood to mean the spouses or two people of different sexes, children (born in and out of wedlock, adopted or foster) and kinsmen in the direct line and in the lateral line up to the second degree of kinship, provided they live in a common household. As exceptions, a person without income, not living with his/her parents, shall be considered as a member of the family of his/her parents until he/she concludes marriage or has his/her own family, and until the age of 27. A spouse, regardless where he/she lives, as well as a child's parent who is unable to work and a child who receives regular schooling are also considered members of the family.

102. According to the Family Law of Montenegro and the Law on Marriage and Family Relations of Serbia, a person becomes an adult upon turning 18 years of age. A minor, aged over 16, subject to the court's permission, may enter into a marriage. Full employment capacity is acquired with coming of age as well as upon the conclusion of a marriage prior to the coming of age.

103. A child who has turned 14 may independently conclude legal transactions, but for these transactions to be valid, except for those of minor importance, the approval of his/her parents or foster home is required before the child's property can be disposed of or encumbered. A child who has turned 15 years of age may take up employment independently and dispose of his/her income and property which he/she has acquired on the basis of his/her work but is obliged to make a contribution out of these earnings for his/her support and education.

104. The capacity to draw up a will is acquired upon turning 16 years of age.

105. In accordance with the provisions of the Constitution of FRY and the Constitutions of the member republics, the family enjoys particular protection. Marriage and legal relations in marriage are regulated by law. Under the Yugoslav regulations men and women are guaranteed the right to enter into a legally valid marriage on the basis of their free consent before the competent authority. A marriage not concluded with the full and free consent of the man and the woman would be considered invalid. In practice, there have been no problems in ensuring that men and women exercise their right to enter into marriage only with their full and free consent. The Constitution of FRY lays down man's right to freely decide on the birth of his children. This right, under the republican regulations, may only be restricted for the purpose of protecting one's health. Parents have the right and duty to take care of the family and bring up their children and children are bound to care for parents who need their help.

106. In order to facilitate the establishment of families and help young married couples, a host of different measures have been undertaken. They include various services and benefits. Furthermore, a wide range of measures have been taken in FRY to maintain, strengthen and protect the family, namely:

- compensation of salary during regular maternity leave and extended maternity leave in order to care for a child with a serious health problem up to five years of age. This right can also be used by

the father or foster parent or a person taking care of the child if the mother is prevented from caring for the newborn (in case of the death of the mother, abandonment, etc.);

- maternity benefit, to which every mother is entitled if she does not use the right to compensation for salary during her maternity leave. This means in practice that every unemployed mother is entitled to these benefits until her child turns one year of age;

- assistance for outfitting of the newborn to which every family with a newborn is entitled;

- rest and leisure for children and meals at pupils' canteens;

- child benefit, the right to which every family is entitled for the first three children until the child turns 19 years of age provided the child is receiving regular schooling and provided certain other requirements specified by law are fulfilled. Under the Law on Social and Child Care of Montenegro the right to child benefit is enjoyed by all children until the age of 18 including the children of foreign nationals living in Montenegro. Under the Law on Social Care of Children of Serbia the right to child benefit depends on the material standing of the family, i.e. this right is used by lower income families. Exceptionally, all families with three children are entitled to this benefit which is enjoyed by the third child, irrespective of the family's material status (means test). The amount of the child benefit depends on the child's age, his level of education and psycho-physical status);

- organized accommodation of children in pre-school institutions for children from families in need of such accommodation. The State shares in the payment of the expenses by up to 80 per cent.

107. In addition to these rights other rights and forms of social and child care are also provided namely; lump-sum assistance, loans, counselling services in the area of family-legal relations (preference given to prevention and the protection of marriage and the family, but also provided is therapy aimed at the improvement of disturbed family relations), coverage of expenses on textbooks and stationery, tax relief for maintained persons, etc.

108. There are no population groups which are prevented from using the rights enumerated above on the basis of their race, religious affiliation, national, ethnic and other origin. The only difference which is made with respect to certain rights is that based on the material status of the family. When it comes to the family in social need, every such family receives assistance and a form of care from the social community. Extended families are recognized in determining government benefits.

109. Special importance is accorded to the issue of maternity and the prevention of discrimination against women on account of maternity from the standpoint of pursuit of the country's population and health policies.

110. FRY is a signatory to ILO Convention No. 103 on maternity protection motherhood, the ILO Convention responsibilities No. 156 on workers with family responsibilities, No. 158 on the termination of employment, No. 45 on underground work (women) and No. 89 on night work of women.

111. The Constitution of FRY provides all citizens with protection under equal terms against any form of discrimination including discrimination on the basis of family obligations. Articles 28 and 29 of the Constitution of the Republic of Serbia also secure special protection for mothers, children and the family.

112. The laws on employment of the member republics and the laws on child and social care regulate in detail the issues concerning the care of pregnant women and young mothers.

113. A worker's employment may be terminated against his wish only for reasons stipulated by law. Since the law does not list pregnancy, maternity leave or marital status as reasons for termination of employment, dismissal on these grounds is illegal. In case of an illegal termination of employment the worker has the right to demand in his enterprise and in a legal procedure to be returned to work and compensated for damages.

114. Under the federal law on the fundaments of employment women are entitled to paid maternity leave which may not be shorter than 270 days. Before sanctions were imposed, some organizations granted to young mothers maternity leave lasting up to two years because their financial situation allowed them to do this, which was extremely useful both for the woman and her child. During the sanctions period, women did not make full use of their legally guaranteed maternity leave for fear of dismissal or because of material reasons. Because of health considerations, the maternity leave starts 28 days prior to delivery.

115. The maternity leave over, the woman worker has the right to work half her full working hours until the child is three in case the child needs care because of his/her health in the opinion of a competent physician. One of the parents of a seriously handicapped child has the right to work half his working hours. Shorter working hours in such cases are considered full working hours. The father of the child may use maternity leave in case of the mother's death, in case she abandons the child or in case she is prevented from using her leave for justified reasons.

116. If a woman gives birth to a stillborn child or the newborn dies prior to the expiry of the maternity leave, she has the right to extend her maternity leave by a period which is, in the opinion of the physician, necessary for her to recover and is at least 45 days, during which period she will have the right to all the maternity leave entitlements.

117. The compensation during maternity leave amounts to the compensation which the woman would receive if she worked normally. In the course of maternity leave, the woman worker enjoys all the rights stemming from her health, pension-disability insurance and other social rights in the amount equal to that which she is entitled to when she works full time.

118. There are no groups of women that are excluded from the family care system.

119. The FRY Constitution and the Constitutions of the member republics prohibit any form of human exploitation. Children and young people are protected under the general regulations securing the integrity and social security of every individual citizen in Yugoslavia. The protection of children and young people against negligence and cruelty is secured in particular within the framework of the criminal justice system.

120. Under the domestic regulations in force, a person under 15 years of age may not occupy a work post which requires the performance of predominantly hard physical work, work underground or under water, i.e. work that may put his life and health in jeopardy. A child under 15 years of age may be employed, although this is rarely the case, because secondary schools provide qualifications for employment after 18. However, some young children do work even before they turn 18, usually in rural households, and perform work which is appropriate to their age.

121. In FRY children are traditionally not abused at work (culturally, socially or ethnically; such abuse is not present in our society). Individual groups or ethnic communities (the Romanies, for instance) or needy communities use the work of children to a lesser extent.

122. If a child works, the amount paid to him/her equals that paid to adults and depends on the skill and experience at a particular job. A person under 18 may not work from 22.00 to 06.00 hours nor for hours longer than full working hours. The law stipulates special protection at work for an employee below 18 years of age and an employed woman.

123. The Constitution of FRY the Constitutions of the member republics, relevant legal regulations, as well as measures undertaken in order to protect and help children and in order to ensure their healthy physical and psychosocial development, are applied to all children without discrimination on the basis of their birth, family background, social origin and other considerations. In the social child care system, children without parental care, children with problems in psychophysical development and children from families with disturbed family relations enjoy special protection. Centres for social work, which exist in almost all municipalities, provide such children with various forms of care, based first of all on the needs of children whose parents, for any reason, do not perform their parental rights and duties or perform them in a manner that runs counter to their children's interests. Different causes call for different measures and forms of care.

124. Children and young people who are slightly impaired in their development exercise their right to education and adequate employment while children who are more seriously handicapped have the right to special rehabilitation and training. This means that all are provided with medical, educational, professional and social rehabilitation. On the whole, the quality of care has improved (early detection, appropriate medical and rehabilitation treatment, modern approaches to disease) and substantial resources have been invested in this. There are, however, considerable problems in the integration and especially in adequate employment of these young people.

125. The purpose of the various measures to protect children from families with impaired family relations is to secure their proper upbringing and appropriate development by extending assistance and care to these adolescents, by supervising them, by ensuring their professional training and developing their personal responsibility. The most efficient form of protection for these adolescents is their placement in an institution for work with neglected children and young people.

Article 11*

126. The analysis of inequality and poverty in FRY based on the data from the Survey on the Consumption of Households of the Federal Statistical Bureau shows that in 1995 28.9 per cent of inhabitants - close to 3 million people - were poor, i.e. were not in a position to meet their needs in terms of minimum normal nutrition. The analysis of poverty according to socio-economic population categories shows that there is virtually no population category which was not affected by impoverishment in the period under review. The hardest hit were families of workers employed in the industries and mining: in 1995 38 per cent of this population category were poor.

127. Poverty has also dramatically hit families with children, especially urban families with children - as much as 37.81 per cent of these families were poor in 1995. These are particularly difficult times for the families of mineworkers and industrial workers who have no revenues from the land (poverty ratio of 44.33 per cent), poor urban families with a large number of children, families with mentally or physically handicapped members, adults or elderly persons without relatives unable to fend for themselves, pensioners with a minimum pension, urban families who have provided shelter to refugee families from war-torn areas of the former Yugoslavia, etc.

128. The change in the breakdown of revenues and expenditures of Yugoslav households points to the declining share of stable revenues from regular employment and to the growing expenditures on food and accommodation, meaning that most families are left with little money to spend on meeting their cultural, educational or other non-material needs.

129. The structure of outlays is dominated by expenses on food, whose average share is on the rise and was 48.4 per cent in 1995. Among the needy population this share has increased from 43 per cent to 59.2 per cent. As poor households spend another 15 per cent of their incomes on accommodation, this means that they spend as much as three quarters of their incomes on bad and inadequate nutrition and often inadequate accommodation.

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* A more detailed elaboration of problems in connection with this article of the Covenant can be found in the relevant sections of Human Development Report, Yugoslavia 1996 and 1997 (UNDP).

Article 12

130. In 1995, the general practitioners' service, within which 45 per cent of all diseases, conditions and injuries were treated (the number of which was 15.6 per cent higher than in 1994), most frequently recorded acute respiratory diseases, hypertension, skeletal and muscular diseases and neurotic disorders, personality disorders and other mental disturbances. In the field of social medicine, particularly important are: diabetes, ischemic heart conditions, psychoses, malignant diseases and alcohol addiction syndrome.

131. The health of children, adolescents and women, as the most vulnerable population categories, is characterized by changed morbidity and mortality rates. The leading diseases in pre-school children are acute respiratory infections, infections of the skin and subcutaneous tissue, anaemia owing to iron deficiency, infectious diseases of the digestive system (diarrhoeal diseases); in schoolchildren, besides the aforementioned, also important are injuries, neurotic disorders and personality disorders.

132. Acute respiratory infections were an important health problem in the reporting period, and constituted two thirds to three quarters of the total number of cases in primary health care of children. Due to the lack of drugs, these diseases were inadequately treated or not treated at all, and owing to reduced immunological resistance of children they are becoming chronic diseases accompanied by frequent complications, pneumonia being the most serious. Malignant diseases and diabetes among children are on the rise. The number of undernourished and anaemic children is growing.

133. Examination of the annual check-ups of adolescents and students shows a drastic increase in the percentage of: anaemia, undernourished students with spinal deformities, skin diseases and neuropsychiatric diseases, alcohol, tobacco and narcotics abuse and, in particular, deaths (by accident, homicide or suicide).

134. The most frequent groups of diseases registered by the women's health-care service are: diseases of the genital and urinary system; complications during pregnancy; delivery and puerperium; infectious and parasitic diseases; neoplasms; endocrine diseases; diseases caused by diet and metabolic and immune disorders. These diseases are directly connected to irregular controls and treatment of women (reduced coverage by both preventive and curative medical examinations in community health centres, the shortage of drugs, reduced hospitalization, untimely laboratory, x-ray and other diagnostics throughout the period of sanctions).

135. Especially on the rise are diseases and conditions related to complications during pregnancy, delivery and puerperium, which is manifested both by the higher rate of newborns with low weight at birth (9.7 per cent in 1995), and by the deterioration of the health status of expectant and new mothers. All major gynaecological centres in the country report an increase in the number of pregnant women suffering from threatened abortion, premature deliveries, slow foetal growth, higher Caesarean section incidence, etc. As for the early diagnosis of malignant diseases of the breast or genital organs, there has been a significant decline in the number of early diagnoses and, at the same time, a rise in the mortality in women suffering from neoplasms. Of

greater social and medical significance for the health of women are the problems of: abortion (exceeding the number of deliveries by 30 per cent, which is partly caused by the shortage of basic contraceptives), sterility, as well as more frequent anaemia during pregnancy.

136. In the population category of persons older than 65, the leading diseases are chronic and mass diseases having greater socio-medical significance, and specifically: diseases of the cardiac, cerebral and pulmonary systems and malignancies, complications of diabetes, injuries and accidents.

137. The health-care policy and, particularly, primary health care in FRY are based on the principles of equality, comprehensiveness and accessibility, developed over a prolonged period of time in the former Yugoslavia. In those days it was considered to be an example of highly socialized health care* because it provided complete health care to the majority of the population, with manifold favourable effects as set out, inter alia, by the indicators specified hereunder.

138. The laws on health care of the Republic of Serbia and the Republic of Montenegro provide for the following measures aimed at providing primary health care:

(a) All citizens are guaranteed the right to health care which includes: preventive, diagnostic, therapeutic and rehabilitation services in all health-care institutions, provision of drugs and orthopaedic aids and devices;

(b) By virtue of the Decision on the network of health-care institutions adopted by the republican Assemblies, in all municipalities (190 in Serbia and 21 in Montenegro) community health-care centres have been set up and provide health-care services in the following fields: health education, child health care, women's health care, general medicine, dental health care, laboratory and x-ray diagnostics, as well as treatment and care at home, emergency medical aid, medical supplies and, depending on the number of inhabitants, also hygienic and epidemiological protection, protection against pneumonophthisis, oncological treatment, physical medicine and rehabilitation, and occupational medicine. Community health-care centres have also established field stations (health-care units for about 3,000 inhabitants and outpatient departments for about 1,000 inhabitants);

(c) Funds raised by compulsory health insurance at the republican level are used to ensure standard material conditions for providing health

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* The basic aims and foci of activities for the preservation and promotion of public health are outlined in the "Resolution on the Principles of the Public Health Care Policy" (1984), the document entitled "Professional and Methodological Principles, Objectives and Strategy of Development in Health Care up to the Year 2000" (1986) and in the Development Strategy of Preventive Health Care (1987).

care which, together with a network of health-care institutions, enables all citizens to exercise and use health care under approximately identical conditions;

(d) The republican Governments have adopted or are about to adopt specific programmes regarding: mother and child care (the Decree on health care of women, children, schoolchildren and students, adopted by the Government of the Republic of Serbia in November 1995), protection against infectious diseases and disorders and against cardiovascular diseases, preventive dental health care, medical supplies, protection against chronic renal diseases, etc.

139. Primary health care has been adopted as an important segment of the health policy and is in line with the strategy "Health for all by the year 2000". Measures for the provision of primary health care are primarily geared to the promotion of health, to preventive health education activities and hygienic and epidemiological policies which are pursued at the level of the community and the municipality, where people live and work. These measures are carried out by community health centres together with their outpatient departments and counselling services, health-care stations and outpatient clinics in villages. Priority is given to vulnerable population categories - children, women, elderly people, the disabled - and this has substantially improved their health and to a more rapid development of these services, especially in underdeveloped areas.

140. Health care is financed out of health insurance contributions which are deducted from the payroll, to the debit of the insuree and to the debit of the employer, from the profits of a firm, from the cadastral income of farmers and other incomes of citizens. Needy persons are provided for out of the budget of a particular community. In 1994, the total amount earmarked for health care was 9.75 per cent of the social product or US$ 104 per capita at the per capita income level of US$ 1,000.

141. The provision of health insurance and health care has been affected by the country's economic woes, exacerbated by United Nations Security Council sanctions, which led to the further deterioration of the overall social situation and a declining standard of living and health status of the population. The increased needs of the domestic population for health-care services are further augmented by the needs for treatment of the large, extremely vulnerable refugee population and other users of health-care services who do not take part in the formation of funds for health care.

142. In the last few years, the private sector began to develop within the health-care system. Patients who use the services of private doctors pay their own expenses, because in spite of the fact that the law provides for the possibility of linking the two sectors, health insurance does not cover services rendered by private doctors. The lack of cooperation by the health insurance system affects both patients and the further development of the private health-care sector. This is reflected in duplication of health services and additional costs to the patient. Health insurance is only connected to private pharmacies and reimburses them for drugs issued on

prescription. However, as the health insurance system does not refund the amounts in a timely manner, private pharmacies hesitate to conclude contracts with that system.

143. Health status indicators for the FRY population (according to the World Health Organization's definition) are:

(a) Infant mortality rate:

	1993	1994	1995	1996
FRY	21.9	18.4	16.8	15.0
Rep. of Serbia				
Central Serbia	17.3	15.7	15.0	15.3
Vojvodina	15.0	14.4	10.6	12.8
Kosovo and Metohija	33.3	24.9	23.6	15.9
Rep. of Montenegro	15.0	15.4	12.1	14.0

Source: Federal Statistical Bureau.

(b) Access to safe water and adequate sanitary facilities*. The development of the sewage system lags behind the development of the water supply system. Access to the water supply network does not guarantee the safety of water because a very high percentage is microbiologically and chemically impure (50 and 37.5 per cent respectively) in the water supply systems monitored (data from 1996);

(c) Coverage of children by compulsory immunization over the 1990-1995 period is unsatisfactory (less than 95 per cent), regardless of the fact that the level of coverage has been maintained over the entire period:

	1993	1994	1995	1996
DTP	84.6%	84.9%	84.9%	91.1%
Measles	84.9%	80.8%	86.0%	90.0%
Polio	82.5%	84.3%	84.3%	91.1%
BCG	76.7%	70.7%	70.8%	83.8%

(d) In 1993 life expectancy for men was 69.9 years and for women 74.7 years;

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* Records for urban and rural communities are not kept separately.

(e) In all municipalities in the country, women's clinics have been organized so that the woman-to-doctor ratio is 6,880 women over 15 years of age (the lowest ratio being 5,800 women) and 1 obstetric nurse per 3,798 women over 15 years of age. The percentage of professionally assisted deliveries was 92.2 per cent in 1995 (ranging from 99.7 per cent in Vojvodina to 76.0 per cent in Kosovo and Metohija);

(f) Percentage of infants with access to health-care services. Child-care clinics have been established in all municipalities (one doctor per 1,086 pre-schoolers on average, though this number ranges from 724 to 4,090 children, and one nurse per 666 pre-schoolers).

144. The FRY Constitution guarantees the right to physical and mental health, under equal conditions, to all citizens, regardless of their nationality, race, sex, language, religion, education and social status. In the regulations on health, the fundamental principles of the organization and provision of health care are based on the unity of preventive, diagnostic/therapeutic and rehabilitation measures and also include the principles of comprehensiveness, accessibility, consistency, continuity, efficiency, cost-effectiveness and contemporary, already confirmed achievements. Federal regulations regarding health care stipulate: general and specific measures for the protection of the population against communicable diseases threatening the whole country; conditions with regard to health safety to be met by foodstuffs and publicly used objects; environmental protection against ionizing radiation; preventive and other measures for the production and traffic of narcotic drugs and for the prevention and control of drug addiction; conditions for trade in drugs and poisons and health care of foreigners.

145. In the reporting period, in terms of strategy, there were no changes in the national policy. On the contrary, through the adoption of a series of laws as well as programmes and plans the system was improved and consolidated, enabling the health-care service to be operational even in times of sanctions.

146. Proceeding from the established health problems and the "Health for all by the year 2000" strategy, the laws as well as programmes and plans adopted in the field of health insurance and health care have provided for and quantified the following measures and objectives:

- reduce differences in the health status of the population categories, which exist between certain parts and regions of the country;

- eradicate communicable diseases for the prevention of which there are up-to-date and efficient means of protection and immunization;

- reduce infant mortality, mortality from cardiac and coronary diseases and malignant diseases, as well as the number of accidental deaths in traffic, at home or work;

- strengthen the role of the family and social groups in developing and upholding healthy life-styles: educate and motivate people to become and stay healthy; improve eating habits, non-smoking

habits, physical activity and efforts to fight stress; reduce practices involving health hazards (alcohol, medicines and drug abuse, reckless driving, violent behaviour, etc.);

- protect the living and working environment; provide safe potable water, foodstuffs and publicly used objects; protect the environment against recognized risks of air pollution; eliminate health-related risks involved in the disposal of dangerous substances; protect the environment against occupational health risks;

- develop the health-care system on the basis of primary health care and mandatory health insurance of the entire population;

- introduce and apply the mechanisms for the provision and measurement of the quality of health care provided to citizens;

- introduce and apply the mechanisms aimed at providing coordination of activities by all participants in primary health care;

- equalize primary health-care services and funds in all areas and regions;

- plan, train and use health-care workers, with special emphasis on primary health-care needs and requirements;

- develop and implement research projects which contribute to the achievement of national objectives in health care and to the promotion and development of primary health care and the new system of health insurance and services.

147. Every six months the scope and quality of the services rendered by health-care institutions and the relevant contracts concluded with the health insurance sector are controlled; the revenues and expenditures of health-care institutions and the health insurance sector are monitored and reviewed, the health insurance contribution rate is determined in accordance with the law depending on the financial management of health-care institutions and health insurance; all preventive measures and control mechanisms for the improvement and maintenance of the health status of the population categories which are more susceptible to disease are systematically and fully implemented.

148. Before sanctions were imposed, the following diseases had been eradicated: trachoma, typhoid fever, endemic lues, malaria and diphtheria. The communicable disease morbidity and mortality rates had been reduced. The infant mortality rate had registered a steady downward trend.

149. The health status of women during pregnancy, delivery and motherhood is systematically monitored; newborns have systematic check-ups at birth, in their families and in outpatient clinics almost monthly; immunization is compulsory and nutrition is promoted by organizing model kitchens, etc.

150. Both republican Assemblies have passed laws on the protection of the environment, which provide for numerous measures and activities as well as sanctions in case these measures are not implemented. These laws served as the basis for the drawing up of a specific programme.

151. The republican laws on health care stipulate that the right to health care includes the use of all preventive, diagnostic, therapeutic and rehabilitation services, in practically all health-care institutions.

152. Before the sanctions were imposed, the health status of the population and individual population categories in particular had been improving, the infant mortality rate and the number of stillbirths had been declining, conditions in the living and working environment had been improving, etc. Nevertheless, the main problem now is the insufficient involvement of non-health sector structures and entities in the elimination and resolution of problems on which the health service does not exert much influence.

Article 13

153. Elementary education in FRY is compulsory and free. It is guaranteed by the FRY Constitution and regulated in more detail by the republican laws on elementary schools.

154. The network of elementary schools (4,439) enables the coverage of all children of relevant age, namely 903,088 pupils. There are 233 elementary schools (or units/classes within regular elementary schools) providing education to handicapped children. They are attended by 8,287 pupils. The estimates are that the coverage of children by elementary education in FRY is around 95 per cent but the rate of completion of elementary school varies (from 86 per cent in Kosovo and Metohija, to 88 per cent in Montenegro, 90 per cent in central Serbia, to 96 per cent in Vojvodina).

155. The republican laws on secondary education provide for the citizens' right to the following: regular two-year, three-year or four-year secondary education; secondary education of full-time students with special abilities and gifted students; regular secondary education in minority languages, i.e. bilingual education; parallel secondary education for those students who have special achievements in their studies; pedagogical work in students' homes (homes for neglected children). All pupils who have completed the eighth form of elementary school have access to secondary education, including technical and vocational secondary schools. Regular secondary education is free for full-time students and part-time students do not attend classes and pay for the exams they take. Secondary education in 564 secondary schools covers more than 91 per cent of the pupils who graduated from elementary schools, i.e. all the pupils who are interested in continuing their education in secondary school. Attending secondary school is not compulsory and is equally accessible to persons belonging to all religions, nations and of both sexes. As regards the rate of graduation from secondary school, it is slightly lower than for elementary school and amounts to 75 per cent, meaning that 25 per cent of those enrolled drop out.

156. The access to higher education (two-year post-secondary schools and faculties) is provided for all graduates of secondary schools who have enough

points to qualify for enrolment. In the academic year 1996/97, a total of 130,235 students were enrolled in universities in the Republic of Serbia and 5,532 in the Republic of Montenegro. Around 60 per cent of the students are financed out of the budget, while the rest pay for their studies by themselves. The number of students in FRY is increased by a total of 1,144 foreign students who are enrolled in universities in Serbia.

157. In the Republic of Montenegro part-time students are educated in secondary schools just as full-time students are, so there is no need to apply a special system of adult education, since both full-time and part-time students have equal rights and duties under the law on secondary schools. This means that secondary education is accessible to all interested citizens who enrol as part-time students.

158. In the Republic of Serbia, persons over 15 years of age who are not enrolled in elementary schools acquire elementary education in special schools for adults, i.e. units/classes for adult education. Teaching of adults is being carried out according to the curricula for adults adopted by the Minister of Education. Adults acquire elementary education by attending schools or by passing exams. Their education is graded, from the first to the eighth form, and lasts four years. The Ministry of Education of the Republic of Serbia has adopted a special curriculum for elementary education of adults which is followed throughout the territory of the Republic.

159. Funds are provided out of the Republic's budget and the management thereof is defined by a school's statutes. Records of illiterate persons and persons with incomplete elementary education are kept by every municipality. The system of teaching illiterates how to read and write is also initiated by labour market bureaux which keep records of illiterate persons who approach them in search of a job. Given the fact that it is impossible to apply even for the simplest jobs without a completed elementary education, special campaigns are organized in order for those who are too old for elementary school, but have not completed it, to complete their elementary education.

160. The break up of the former Yugoslavia, transformation of the socio-political and economic system and, in particular, the imposition of sanctions against FRY affected economic and social conditions in education over the past period. Some 700,000 refugees from Croatia and Bosnia and Herzegovina have found shelter in FRY. Out of that number, more than 215,000 are children under 18. Households which accommodated refugees are also in a very difficult situation, because they are themselves facing poverty. In the refugee population, especially difficult is the position of children, particularly those children who lost their parents or are in exile without one or both parents. About 55,000 refugee pupils and students have been enrolled in elementary and secondary schools in FRY.

161. Against this backdrop, education encountered serious material problems. Owing to the dramatic decline in the social product and public funds for the financing of certain social activities, the funds set aside for education were reduced in real terms. That affected the standard of the teaching personnel, the coverage of schools' recurrent expenses and especially the procurement of teaching aids and modernization of the teaching process. Since the largest amount of funds for education is provided out of the republican budgets,

followed by municipal budgets, the meeting of obligations in education largely depends on these sources. As the funds available are not sufficient, special attention is paid to covering expenses for regular school activities (salaries of teaching personnel, material instruction expenses, the school heating bill, etc.), while outlays for the procurement of equipment, new teaching technologies, as well as for new investments in education have been reduced.

162. After inflation was curbed in 1994, nationwide economic measures for the recovery of the economy carried out and Security Council sanctions lifted (on 22 November 1995), the economic position of education stabilized to some degree, but at a level which remains below the actual needs of the educational system. That was the reason why the results achieved in education during this period, though evaluated as satisfactory under the given conditions, actually lagged behind the real potentials of the educational system.

163. In the Republic of Montenegro, the reform of the educational system, envisaged by the Government's programme, is under way. It has started in elementary schools and will expand to include secondary schools. It will last five or six years.

164. The development of the Republic of Serbia in the coming period, particularly changes in economy, technology, science and other fields, calls for further harmonization of the development of education with social needs and definition of the concept and policy of the development of education in the Republic up to the year 2000. New challenges facing education are related first of all to the need to establish new goals for education, especially in terms of personality development and the linkage of the individual to his/her environment.

165. In pre-school education, the objective is to create and improve conditions for larger coverage of pre-schoolers. By promoting programmes of educational work and pedagogical activities with pre-schoolers, better possibilities can be created for establishing ties between pre-school education and education in elementary schools.

166. As for elementary education, the reduction of the curricula is to be continued, especially in the first four forms, in order to ensure that the curriculum is tailored to the age and abilities of pupils and brought into line with the needs of contemporary elementary education, as well as geared towards better results and more active involvement of pupils and teachers. In the further development of elementary education measures will be undertaken to control negative phenomena and deal with neglected children; the role of schools in preventing such phenomena will be promoted along with cooperation with families in educational and pedagogical work with children and adolescents.

167. Special attention is to be paid to education and advanced training of teachers since the quality and modernization of teaching methods depend on them. Of special importance will be an increased investment in equipping schools and modernizing educational technology.

168. In secondary education, efforts will be continued to adjust the network and capacities of secondary schools to training the human resources required

for the development of the society at large. The intention is to enrol all pupils who complete elementary school in secondary school, while complying with the prescribed number of pupils to be enrolled in particular types of schools. The target is to maintain pedagogical standards in terms of the number of pupils and organization of schools, the number of students in a class or educational group, and conditions for vocational training and practice. Curricula for certain schools and types of vocational training will be reconsidered in order to ensure that they are updated and that students are better prepared and trained. The innovation of curricula, particularly in vocational schools, is a permanent obligation and an important precondition for the improvement of secondary education. One of the ways to ensure this is to introduce electives in secondary schools and to make curricula easily adaptable to social needs and students' interests.

169. In line with the needs and possibilities of socio-economic development, prerequisites will be created for an intensified development of higher education, a more direct implementation of education and science in practice and a rise in overall standards of higher education.

170. Education is financed from public revenues or from private sources. State educational institutions at all levels, from pre-school to university and post-graduate levels, are financed from public revenues, and private schools and faculties are financed from private sources.

171. The most important and greatest sources of funds for education are public revenues of the Republic and municipal budgets. Apart from public revenues, certain secondary schools earn income from tuition fees paid by part-time students, and faculties and post-secondary schools from the fees paid by students who are not financed out of the budget. The financial participation in the costs of board and lodging of students in dormitories is also part of the incomes earned by these institutions. The services for students and their housing are mainly funded out of the Republic's budget, except for the financial participation of students for board and lodging in dormitories.

172. Elementary and secondary schools are financed from public revenues, namely out of the republican and municipal budgets. Salaries and advanced training of teaching personnel are funded from the republican budget, as are part of the maintenance costs and investments in elementary and secondary schools. Current material expenses of elementary and secondary schools and part of the maintenance and construction costs of schools are financed from municipal budgets. The share of education in the budget of the Republic of Serbia only amounted to 28.29 per cent in 1995, while in Montenegro it amounted to almost 40 per cent.

173. Due to the difficult working conditions in the previous period, the largest amount of outlays in education was spent on current costs. In 1995, from the total funds allocated to education, 95.28 per cent was spent on salaries and current material expenses of educational institutions, and only 4.72 per cent on investments. Considerable funds are allocated to health care, cultural centres, publishing activities, sports and similar activities of pupils and students. The State contributed 85.81 per cent of the financing of education in 1995. The rest came from private revenues (tuition).

174. The FRY Constitution and laws guarantee equality of citizens with regard to access to education, regardless of their sex, social background, etc. There is no discrimination on the ground of sex, when it comes to access to education. All the schools are co-ed schools. Likewise, there are no differences regarding social background of pupils or location of schools. That is, the same laws, curricula and rules are applied to all schools, both in rural and urban areas. The campaigns launched with regard to rural schools are, first and foremost, related to assisting these schools in terms of providing them with better equipment and the possibility to use modern teaching aids as well as with necessary information for teachers and pupils regarding the development and improvement of education.

175. The system of scholarships for pupils and students is regulated by a separate law and is applied to all young persons. One of the basic criterion for granting scholarships is the material status of a pupil or student. There are special scholarships for talented and gifted students, the most important criterion for them being their talent and academic achievement.

176. The curriculum determines the objectives, tasks and content of education; the duration of education; the age of pupils to be enrolled; the number of pupils in a class, etc. For handicapped pupils, special schools can be founded where children with the same kind of handicap can receive pre-school, elementary and secondary education. Almost all handicapped children in FRY are covered by elementary education. Refugee children have the same treatment and equal opportunities to be educated as do the children born in FRY.

177. The languages and scripts of national minorities are in official use in the regions where they live. Under the Constitution, persons belonging to national minorities have the right to be educated in their mother tongue. The right to education in the languages of minorities is elaborated and specified in more detail by separate laws on social child care, elementary schools, secondary schools, post-secondary schools, universities, and on services for pupils and students and their housing. For persons belonging to national minorities education is organized according to the applicable laws in the following languages: Albanian, Hungarian, Slovakian, Romanian, Ruthenian, Bulgarian, Turkish and, in the case of Montenegro, in Albanian. In communities where the legal conditions for education in minority languages, instruction is organized in those languages in communities where different nationalities live, bilingual instruction also can be organized. Thus, in the Republic of Serbia today, instruction for persons belonging to national minorities is organized in three ways: (i) in the mother tongue; (ii) in two languages; (iii) in the Serbian language, with the mother tongue and elements of the national culture studied separately. These forms of teaching are organized in special schools or in special classes if there are not enough pupils or if the appropriate conditions do not exist in regular schools/classes.

178. In pre-school institutions, parents declare their preferences regarding education in the languages of minorities. Educational activity in these institutions is governed by their own enactments and parents are provided with the information about the language in which their children are taught. The manner of and conditions for the implementation of the Principles of

Educational Programmes in the minority languages are prescribed by the Minister of Education. These Principles constitute an integral part of the comprehensive programme for pre-school children in Serbia, based on international instruments on national minority rights in the field of education and culture, as well as on the Convention on the Rights of the Child and the recommendations of the Council of Europe. The programme of education in minority languages in pre-school institutions is carried out by educators who acquired a proper degree in the language concerned. If not, he or she must take an exam in that language at the relevant post-secondary school or faculty.

179. The law provides that elementary schools' curricula for persons belonging to national minorities are followed in their mother tongue or in two languages, if at least 15 pupils are enrolled in the first form. Schools can also follow a curriculum in a minority language for less than 15 pupils with the consent of the Minister of Education. However, the Minister of Education prescribes the manner in which bilingual curricula are to be followed. In the schools where instruction is conducted in minority languages, pupils have two Serbian classes a week. The Serbian language can also be taught as a separate subject, starting from the first form of elementary school. Where classes are held in Serbian, pupils belonging to national minorities can study their mother tongue with elements of their national culture (two classes per week). Teaching of native tongue and literature may be organized through separate subjects from the first grade of primary school. The studying of the mother tongue and literature is supplemented with the study of national culture, the arts and history.

180. If the teaching conditions (such as space, organization, staff, etc.) permit and if there are a sufficient number of pupils wishing to study in their mother tongue, secondary education may be carried out in minority languages. One of the important preconditions envisaged by the Law on Secondary Schools is the required number of pupils. Teaching in a secondary school may be done in the language of a minority, or in two languages, if at least 15 students so decide. A school may organize the teaching in the language of a minority even for a smaller number of pupils in a class, subject to the approval of the Minister of Education and if the basic teaching conditions exist. Secondary education is organized in the following minority languages: Albanian, Rumanian, Turkish, Ruthenian, Slovak in the Republic of Serbia and Albanian in Montenegro. When the members of the Bulgarian minority so wish, their children may also received bilingual education.

181. The Law on Secondary Schools allows persons belonging to minorities the possibility to pass entrance exams for enrolling in the first grade of secondary school in the language in which they were taught in primary school.

182. All FRY citizens, regardless of their nationality, may study at colleges or universities according to the laws and other regulations. The basic conditions that a person who applies to university must meet are stipulated by the laws governing college and university education and more details are given in the Statutes of these institutions. According to the Law on Colleges and the Law on Universities, the teaching may be carried out in a minority language at a college, faculty or university. The approval for such a

decision must be obtained from the Republican Government. Universities in Serbia organize the required training of teachers who are to work in bilingual schools or classes.

183. Changes in the educational system and the overall situation of education have determined the position, role and involvement of teachers in the educational processes at all levels. Difficult material working conditions, the lack of teaching aids, a large number of pupils, including refugees, and low salaries have created a number of problems for teachers in the past years. A certain number of teachers left schools in search of better paid jobs. There is a particularly acute shortage of teaching staff for mathematics, English, informatics, music, arts, computers, etc. in both primary and secondary schools in Serbia. During this period a number of young assistants and university professors left their professions, so that there is a shortage of young staff at universities as well.

184. The majority of schools (99 per cent) are State owned. The law also envisages the founding of private schools. The Law on Social Care of Children allows the founding of private pre-school institutions. They have to meet the same conditions as State institutions. Primary music and ballet schools may be founded by natural persons in accordance with the conditions envisaged by the Law on Primary Schools. The Ministry of Education determines whether all conditions have been met and when the private school may start to work. If all legal conditions in terms of premises, equipment, teaching staff, etc. have been met, natural persons may also found a secondary school. In all these schools the Ministry of Education carries out administration and professional supervision. Both the Law on Two-Year Post Secondary schools and the Law on Universities have envisaged the establishment of private universities, subject to the approval of the Republican Government. Conditions for the establishing of private universities are the same as those for State institutions.

185. All provisions or system-related laws on education regarding the operation of educational institutions and teaching itself that are applied at State institutions are also applied at private schools and universities.

186. As far as management is concerned, the founder of the school chooses the members of the school board and the headmaster, and half of the members of the University Council. There is one private secondary school (grammar school) in Belgrade with some 100 pupils. There are also two private two-year post-secondary schools, three faculties and one university with 234 students (the data are for 1995/96). Private secondary schools follow the same curricula as the State ones. After obtaining approval from the Ministry of Education, the universities adopt their own curricula.

187. The decision regarding the number of pupils to be enrolled at the first grade of secondary schools and the number of students entering the universities is taken by the founders and managing bodies of these institutions independently.

Article 15

188. The Federal Republic of Yugoslavia is obliged to determine policies and to adopt and implement federal laws, other regulations and general enactments in the field of scientific and technological development (STD). In keeping with this principle, the Federal Government has adopted a resolution of (1993) which established: the goals, principles and programmes of STD; financial and other incentives for the implementation of the policy on STD; advisory and other bodies and databases; assessment of the implementation of the STD policy and the scientific-research system of the country; STD policy planning and monitoring; cooperation with the member republics.

189. In keeping with the STD policy, the Law on Financing Scientific - Technological Development of FRY was adopted in 1993 regulating the provision and purpose of the assets of STD of the FRY, conditions and manner of their use, monitoring and implementation of scientific-technological activities, and assessment and application of the results. The Law envisages four groups of programmes for the implementation of the STD policy, namely: the programmes of scientific and technological researchers, public research infrastructure-building programmes, staff training and organizational infrastructure programmes and the programme for international scientific and technological cooperation.

190. The financing of STD at the federal level is, in the legal sense, the same as in the EU. In practice, however, the system that has been operating for over three years is not finalized, nor are all its parts equally developed. The advisory-institutional mechanisms envisaged by the Federal Government's STD policy are not developed enough.

191. It should be pointed out that neither the regulations themselves nor their application has ever recognized any criterion for allocating the assets from the Federal budget for STD activities other than that of scientific/professional competence. Financial resources have been allocated regardless of the applicants' national, political and regional origin on the basis of competence and the importance of the proposed activity for the Federal Government's STD policy.

192. Right from the beginning the system has been characterized by extremely unfavourable financial conditions which have significantly hindered its development and completion.

193. A special segment of the STD system is the dissemination of information on the results, achieved and on the possibilities of using the results which are the property of the federal State and are considered public goods. The shortage of financial resources and, consequently, the shortage of staff to work in this part of the system, on the one hand, and the delay in the implementation of research projects (also caused by the lack of financial resources), on the other, have both contributed to the low level of development of this part of the system.

194. The Constitutions of the member republics guarantee the freedom to create and publish artistic and scientific works and scientific and technical discoveries, and the creators are guaranteed moral and property rights.

According to the Constitution, the State must support and promote the development of education, science, culture and the arts and protect scientific, cultural and artistic values. The protection of the moral and material rights of the authors of scientific and artistic works is guaranteed by the FRY Constitution (art. 53), which stipulates that the manner in which these rights are exercised and protected is regulated by federal law. Thus, the moral and material rights of the authors of literary, scientific and artistic works are regulated by the Law on Copyright, the moral and material rights of inventors by the Law on Patents, and the moral and material rights of creators of industrial designs by the Law on Models and Samples. In September 1996 the Federal Government adopted the Bill on Copyright and Related Rights which brings these rights into line with the latest international regulations (the Agreement on the Trade Aspects of Intellectual Property Rights, EU regulations and recommendations of the World Intellectual Property Organization). This bill will soon be adopted by the Federal Assembly. The law envisages more efficient protection of software, databases and other knowledge and rights in the field of information technology.

195. FRY is a member of the following international Conventions:

In the field of copyrights - the 1886 Berne Convention for the Protection of Literary and Artistic Works and the 1952 Universal Copyright Convention;

In the field of inventors' rights - the 1883 Paris Convention for the Protection of Industrial Property and the 1970 Patent Cooperation Treaty;

In the field of models and samples protection - the 1925 Hague Arrangement concerning International Depósit of Industrial Designs.

196. As regards the protection of author's rights and industrial property rights, citizens of other countries enjoy the same rights as Yugoslav citizens when they stem from international contracts and the principle of reciprocity. Since the FRY is a signatory to the Paris and Berne Conventions, all citizens of the State's signatories to these conventions enjoy the same treatment. The principle of reciprocity is applied to the citizens of other countries.

197. Efforts are made for the development of the system of scientific-technological information of Yugoslavia which is the infrastructure system necessary for both researchers and the economy. This infrastructure includes a single computer network that connects universities and scientific-research organizations and provides links with similar networks and systems around the world.

198. The Federal Government has established a strategy for the further development of informatics comprising 60 measures which, inter alia, should enable the building of a National Information Infrastructure and strategic information systems, provide access to information services for all, preserve cultural and national identity and ensure the right to freedom of speech, communication, security and the protection of privacy.

199. Culture falls within the competence of the member republics. Unlike other fields which, as a rule, have one or few basic laws, culture is covered by several so-called basic laws.

200. In the Republic of Serbia the Law on the Affairs of General Interest in Culture has 22 items. The most eminent cultural institutions are mentioned by name as well as certain cultural activities or parts of activities supported by the Republic, different cultural events, the culture of minorities, international cultural cooperation, aid to young artists and publishing activities for the blind. Other activities are carried out through private initiatives, market laws, citizens' associations, cultural-educational organizations of minorities and ethnic groups, local self-rule, sponsorships, donations and endowments. The legislator wishes to completely regulate those cultural fields that are of special importance for the society and authorizes the Ministry of Culture to administer these fields.

201. We shall enumerate and present only a few of these laws. Pursuant to the 1994 Law on Librarianship, this activity is a single system, encompassing book lending at local libraries, a single library register, rules regarding book preservation, working conditions in libraries, receiving expertise to supervise the work in libraries. Special attention is paid to the conservation and restoration of old books, the compilation of professional and subject catalogues, and electronic data processing.

202. According to the 1994 Law on Cultural Property the protection of cultural property is regulated in a similar way. The Law recognizes movable and immovable property according to classic civil law. Immovable cultural property, mostly the medieval monasteries, have three degrees of protection: capital cultural property on the UNESCO list, cultural property of special importance and cultural property of great importance.

203. The 1991 Law on Cinematography entirely regulates: film shooting, distribution and screening. It sets out conditions for shooting domestic films. Co-productions can enjoy the same benefits as Serbian films. The status of video clubs and the protection of foreign films from film piracy are regulated as well.

204. The Law on Endowments, Foundations and Funds stemmed from the constitutional provision on unlimited use of private property and the right of every citizen to found an endowment. The Law sets out conditions that an endowment has to meet to serve its humanitarian, scientific or cultural purpose.

205. Publishing is covered by the Law on Publishing. Both legal and natural persons may be involved in the publishing business. According to the Law, the publisher must deliver complete galley proofs to the National Library for the purpose of creating a single catalogue record. Books are exempted from sales tax. The Ministry of Culture of the Republic of Serbia is constantly financing the purchase of major literary works of arts and culture on behalf of libraries.

206. In the Republic of Montenegro the cultural sector is regulated by the following laws: Law on Social Affairs, Law on Librarianship, Law on Museum

Affairs, Law on Endowments, Funds and Foundations, Law on the Protection of Cultural Monuments, Law on Archives, Law on Publishing, Law on Cinematography, Law on Independent Artists and Law on Monuments, Historic Events and Personalities.

207. In 1996 FRY allocated 2.04 per cent of its budget for culture. In 1997 the Republic of Serbia's Ministry of Culture provided means for the protection of 91 pieces of immovable cultural property, among which were the following monasteries: Kalenic, Sopocani, Gracanica, Decani, the Pec Patriarchy, Fruska Gora, etc.; it has helped finance 12 films, bought over 300 titles of major literary works for 180 libraries, co-financed 26 art magazines and financed a number of cultural events. The Ministry extended short-term grants to 150 young artists for trips to or professional advancement in other countries; over 90 artists received financial support for participation at international competitions, over 300 painters were encouraged to exhibit outside their home towns; over 250 works of art were purchased for museum collections, etc.

208. The network of FRY cultural institutions is composed of several important groups.

209. The Republic of Serbia has 123 museums. They hold over 3 million items, but only 115,000 (3.8 per cent) are on display. Some 15 specialized institutes with 400 people working in them deal with the protection of cultural monuments (2,787). There are 185 institutions with over 2,700 staff members working in the field of protection. The main institutions that supervise the work of all institutions of this kind are the National Museum in Belgrade, the Archives of Serbia and the Republic Institute for the Protection of Cultural Monuments.

210. The Republic of Montenegro has 17 museums. There are over 500,000 registered items, but only 2 per cent of them are exhibited. The chief institution for museums is the National Museum of Montenegro situated in Cetinje while the chief institution for the protection of cultural monuments is the Republican Institute for the Protection of Cultural Monuments, also in Cetinje. There are 367 cultural monuments of which 530 are registered. The State Archive of Montenegro in Cetinje is an administrative organization which covers the entire archival network in the Republic of Montenegro.

211. The second important group includes national college and university libraries, specialized and comprehensive libraries. There are 464 such libraries in Serbia: 2 national libraries, 166 college and university libraries, 297 specialized libraries and 10 comprehensive libraries. Between them they possess a total of 10,631,000 volumes. Forty-nine college and university libraries are open to the public as well as 39 specialized libraries. In addition, there is a wide network of national libraries - 904 of them with 1,635 employees; 1,204 (73.6 per cent) of them are professional librarians. These libraries have 14,724,000 volumes. There are 44 libraries in the Republic of Montenegro - 1 national, 3 university, 20 specialized and 20 comprehensive libraries.

212. Professional theatres fall within the next important group of cultural institutions. According to the data from 1994/95, there are 36 professional

theatres in Serbia - 25 in Serbia proper, 8 in Vojvodina and 3 in the province of Kosovo and Metohija. The most eminent ones are: the Serbian National Theatre in Novi Sad and the theatres in Nis, Kragujevac, Uzice, Zajecar, Leskovac, Pirot, Krusevac, Pristina, Subotica and Djakovica. There are also 9 theatres for children in Serbia - 6 in Serbia proper and 3 in Vojvodina. Theatre life in Serbia is, however, supplemented with 44 amateur theatres and some of them have a long-standing and good tradition. Only 90 professionals work in amateur theatres.

213. The musical life of Serbia boasts 16 orchestras. There is also a number of important choirs, either female or mixed, such as the renowned Collegium Musicum Choir.

214. Cultural-artistic and cultural-educational associations form an integral part of cultural, particularly musical life in the Republic of Serbia (there are 303 associations with 39,000 members; 97.4 per cent take an active part in these associations). These associations have 1,724 sections: 530 for folk dances, 290 for folk songs, 197 for instrumental music, 136 for poetry reading and 135 drama workshops.

215. The Republic of Montenegro has three professional theatres: the Montenegrin National Theatre, King's Theatre "Zetski dom" and a Children's Theatre which does not have its own building. There is one amateur theatre in Herceg Novi and 10 or so amateur groups performing throughout Montenegro. The most eminent music institution in Montenegro is the Symphony Orchestra of the Montenegro Radio Television Studio. There are 28 cultural-artistic associations in this Republic.

216. The Republic of Serbia has 119 cinemas: 89 in Serbia proper (74.7 per cent), 20 in Vojvodina (16.8 per cent) and 10 in the province of Kosovo and Metohija (8.5 per cent). There are 22 cinemas in the Republic of Montenegro.

217. To get a better insight into the cultural potential of FRY it is necessary to say something about radio/television stations, too. There are 108 registered radio stations in FRY (while 186 radio stations have applied for a licence) broadcasting 444,000 hours of radio programmes. Musical programmes account for 191,000 hours and cultural-artistic 19,000 hours. There are 23 registered TV stations, 19 in Serbia and 4 in Montenegro. They broadcast 59,318 hours of programming. Films and serials account for 12,682 hours and musical programmes for 8,104. In addition to the registered stations there are some 70 TV stations still in the process of legalization but operating on the basis of temporary licences.

218. Finally, there is a specific group of cultural institutions known as people's or workers' universities. They organize a number of activities and include a currently very popular institution - the cultural club or cultural centre. There are 761 institutions of this kind in Serbia: 379 cultural clubs (49.8 per cent), 133 cultural centres (17.5 per cent and 100 people's universities (13.1 per cent). Cultural centres in small and even in large towns carry out a variety of activities, including publishing (e.g. Pozarevac, Vranje, Loznica, Valjevo and other towns in Serbia). There is one People's University in Podgorica.

219. Private initiatives in culture have recently become increasingly popular in the FRY: apart from the traditionally large number of private galleries, several private distribution and production companies have been established and a significant part of the publishing business over the past six years has been the result of the work of private publishers who published the books of the most contemporary Yugoslav writers as well as a large number of translations. But private cultural initiative has been the most active in establishing a large number of radio and TV stations, some of which have ceased to work in the meantime, but the majority of which have survived and enlarged the media cultural-entertainment offer.

220. In addition to cultural institutions, there is also a wide range of cultural events which are organized on a regular basis in the FRY. Throughout the year a number of manifestations, festivals, meetings and gatherings are organized. According to their characteristics, these events may be grouped as follows: international (8), Yugoslav (9), republican (4), provincial (6), local (18). The cultural events of international importance are: the Belgrade International Theatre Festival - BITEF (established in 1967), Belgrade Musical Celebrations - BEMUS, the International Film Festival - FEST, the Joy of Europe - gathering of the children of Europe. Every year some 35 cultural events take place in Montenegro, namely: 4 theatre, 5 musical, 9 literary, 5 painters', 2 film and 10 complex events. The international events are "Grad teatar" (theatre town), "Cetinjski bijenale" (biannual exhibition in Cetinje) and "FIAT" and there are 8 Yugoslav events, 9 republican and 15 local ones.

221. Data regarding the promotion of the cultural values of minorities and ethnic groups are given in the Yugoslav reports on the application of the International Convention on the Elimination of All Forms of Racial Discrimination.

222. The specific status of the largest national minority in Yugoslavia - the Albanian minority - makes it difficult to present statistical data regarding the educational and cultural situation of national minorities. Since 1991 a large number of the Albanian minority have refused to use the facilities for spreading scientific and cultural knowledge envisaged by the legislation. They have left all official social institutions. By declaring a boycott of the official institutions of the Republic of Serbia, the supporters of separatists have established and maintained a parallel political, educational, health care and cultural system. Although these institutions are not officially registered, the authorities do not ban their activities as they seek to peacefully resolve the issue of self-isolation into which the members of the Albanian minority were forced under the pressure of the proponents of separatism. The entire illegal parallel educational system is organized outside the existing system, contrary to the applicable curricula, so that data regarding the number of schools and pupils are inaccessible. Only the work of the media is apparent. There are 50 or so dailies and magazines that are run mostly by political groups and are in free circulation.

223. Persons belonging to the Albanian minority, however, are present in all fields of culture and the arts. A large number of them work in cultural institutions, for example, in the National Theatre, the National Museum, the national and university libraries, etc. Members of the Albanian minority can

read books in their mother tongue kept in national libraries which are financed by the Republic of Serbia. News in Albanian is also broadcast on State television. Other cultural activities are held at private gatherings and remain unknown to public and official institutions of the Republic of Serbia. Cultural self-isolation deprives them from establishing relations with other neighbouring cultures. Younger generations do not know any Serbian through which they were traditionally informed of cultural events outside their places of residence.

224. In 1995 information programmes in the languages of minorities living in the FRY accounted for 42,437 hours of radio programmes in 8 minority languages (Albanian, Hungarian, Romanian, Ruthenian, Slovakian, Romanes, Turkish, Ukrainian) which accounts for around 10 per cent of the total radio programmes broadcast this year. Statistics show that according to the language of the programme, the largest number of broadcast hours was in Hungarian (19,131) and in Albanian (7,197). In 1995 there were also 7,364 hours of TV programmes broadcast in the minority languages from four TV centres, Belgrade, Podgorica, Novi Sad and Pristina, a total of 31,684 hours of such programmes.

225. Magazines and dailies are another important means of spreading information in the minority languages. Each national minority has newspapers or a magazine in their native tongues. These are usually weeklies. In 1995 there were 57 papers in seven minority languages and in Romany, which accounted for 10 per cent of the total number of papers published that year. There were 140 books published in the minority languages (along with 227 bilingual titles). The largest number of books were published in Hungarian - 63; 33 books were published in Czech and Slovakian and 11 in Albanian.

226. The Hungarian minority, owing to their number and good economic and educational background have exercised the highest level of cultural autonomy. There is a well-organized network of cultural institutions both professional and amateur. The Hungarian Minority has four professional theatres: the Novi Sad Theatre - Ujvideki Szinhaz, National Theatre - Nepszinhaz in Subotica, Salasarsko Theatre - Tanyaszinhaz, Children's Theatre - Gyermekzinhaz in Subotica. A large number of dramas written by Hungarian authors is performed in Vojvodina, where there are 12 theatres.

227. The national political parties of the Vojvodina Hungarians have representatives in the provincial, republican and federal Assemblies where they advocate the interests of this minority and, in cooperation with other parties, are often an important political factor.

228. Members of the national minorities living and working in Montenegro take part in the work of all republican institutions of culture, science and education.

229. Although most of the dailies and weeklies have special pages covering culture, television and radio remain the primary media for cultural messages and satisfying the cultural needs of the population. This is due to the meager cultural offerings outside large towns and the lack of money, which is why the majority of the population satisfy their cultural needs in the cheapest way - by watching television and listening to the radio. In the

capital Belgrade, apart from the State television there are several other radio and TV stations with excellent cultural programmes, such as Studio B, TV Politika and the Art Channel (a private TV station broadcasting only cultural programmes). However, the range of these stations is relatively small - only for Belgrade and its vicinity - and other citizens of Serbia can watch only State television.

230. Judging by polls conducted in 1994 and 1995, the citizens of Serbia prefer humour and entertainment (70 per cent), films and serials (61.8 per cent) and folk music (55.5 per cent) while the least interest is shown for the presentation of books and writers (11.7 per cent), art in general (10.2 per cent) and classical music (6 per cent). As for radio programmes, the greatest interest is shown in folk music (51.8 per cent), humour and entertainment (46.6 per cent), and the least for radio dramas and dramatizations of literary works (6.4 per cent), books and writers (4.3 per cent) and classical music (4.6 per cent). Since these results met with great disapproval - folk music here is usually considered to be recently written songs considered to be trash by official cultural policy - the Serbian Ministry of Culture declared the year 1995 the Year of Culture and launched a campaign under the slogan, "It's better with culture" intending to promote cultural life in Serbia. This campaign was carried out through a variety of channels, but primarily through the mass media: press, radio and television. So-called outdoors propaganda was also used, like billboards and advertisements in public places. Important cultural events were sponsored in large towns and competitions for different fields of art were organized. This campaign was covered by a number of articles and stories in newspapers by reports, shows, videos and songs on TV and by posters, billboards, advertisements, badges and stickers. The marketing material of the campaign was designed in such a way as to exert an influence on the population towards culture and cultural events, and to encourage an active participation in satisfying cultural needs.

231. All immovable registered cultural goods in the territory of Serbia and Montenegro, the present Federal Republic of Yugoslavia, were covered by an inventory carried out in 1994. On the basis of the new classification there are 2,787 pieces of immovable registered cultural goods, ranging from the Paleolithic Age to the twentieth century, of which 2,347 (84.2 per cent) are held in Serbia.

232. Religious architecture was grouped in this inventory according to its characteristics, the religious origin, the time of building and its purpose. Within this framework, there are buildings belonging to Orthodox Christians (792), Catholics (90) and Muslims (49). The Orthodox buildings are usually monasteries (200) and churches (564). There are four large groups of residential architecture: mansions (95), residential buildings (304), residential business buildings (88), other residential buildings (9). In the part devoted to public architecture, we recognize buildings for the authorities (74), culture, entertainment and sports (59), education and science (76), health care and hygiene (38). The majority of the preserved and registered cultural monuments date from the eighteenth and nineteenth centuries - 1,259 (45.2 per cent) of them; 621 cultural monuments date back to the period between the tenth and seventeenth centuries.

233. The Belgrade University of Arts (1956) encompasses four faculties: Faculty of Drama, Faculty of Music, Faculty of Fine Arts and Faculty of Applied Arts and Design, which is the only Yugoslav university specialized for the training of artists and experts in all fields of arts. Other universities of relevance for cultural education are the universities of: philology, philosophy and politics, whose graduates (especially those from the departments of history of art, archaeology, ethnology, librarianship, sociology of culture, literature and the like) usually work in cultural centres or as museum curators, librarians, editors and journalists covering the field of culture for the press and other mass media. There are two private arts universities in Belgrade with professional staff. Although the annual tuition amounts to US$ 7,000, people are interested in such education. The number of students is larger than at the similar State-owned faculties, and the competition less. Nevertheless, in terms of resources invested in education, they lag behind the State-owned faculties. High tuition and funds from sponsors are still insufficient to cover the costs of teaching. The school programme at private universities is different from programmes at State-owned universities. Practical work is paid more attention to than theoretical and general knowledge, as the latter would require additional means. Therefore, private faculties are more like workshops.

234. Informal education is carried out through courses in certain fields of art. These are organized by artists performing this activity in accordance with the law on the independent exercise of art and other cultural activities. It also takes place at centres for culture and specialized private institutions. Courses are mostly in the field of fine arts, and over the past years the courses undertook to prepare candidates for art schools and faculties.

235. In Montenegro, the following faculties are active within the University of Montenegro at Cetinje: the Faculty of Drama, the Fine Arts Faculty and the Music Academy. The Faculty of Philosophy in Niksic is participating as well in the training of staff to be engaged in culture.

236. In the Republic of Serbia there are over 60 artistic and professional associations working in the field of culture, which gives an insight into the structure of intellectual and artistic layers. There are 15 artistic associations, among which the largest and most important are: Association of Writers, Association of Literature Translators, Association of Fine Arts Artists, Associations of Fine Arts Artists and Designers, Association of Composers, Association of Drama Artists, Association of Film Artists - all counting around 5,000 members. There are also a large number of experts and scientific associations, namely: Society of Art Historians, Ethnological Society, Philosophy Society, Sociological Society, Slavic Society, Association of History Societies, Association of Psychology Societies, Museum Society, Association of Library Workers - counting over 6,000 members.

237. Over 15 associations are active in Montenegro, namely: Association of Fine Arts Artists of Montenegro, Association of Writers of Montenegro, Association of Drama Artists of Montenegro, Association of Composers of Montenegro, Association of Film Artists of Montenegro, Montenegro Society, Muslim Society and Association of Writers for Children.

Vulnerable groups, including minorities

238. Romanies in the FRY have the status of an ethnic group. According to some estimates, there are some several hundred thousand Romanies in Serbia, although it is difficult to establish the exact number. According to the 1991 census there were 143,519 Romanies in FRY, of whom 140,237 were in Serbia. The majority of Romanies are no longer homeless nomads. They take part in social activities in the areas which they inhabit, but their culture has remained mostly oral and folkloric. The main obstacle in the way of the development of their culture is the uncodified language and alphabet although certain efforts were made in the past to create a grammar of their language. The absence of a developed language makes it impossible for them to receive schooling in their mother tongue as well as to produce a valid record of their own culture, yet certain initial, major steps have already been taken. Most Romanies' children do not have a good command of Serbian and therefore special pre-school preparation would be necessary. In the field of modern cultural achievements they have gone the furthest in poetry. There are a large number of poets who have created a unique poetry and blended the mythical with the modern. They satisfy their cultural needs through cultural-artistic societies. The Romanies have a small number of cultural workers who are skilled in organizing cultural activities.

239. A certain number of Romany intellectuals seek to engage in educational and cultural activities by joining the Association of Romanies of Serbia; yet, their fellow countrymen often show a lack of understanding for their activities. Richer Romanies rarely are aware of the need to donate something and invest in their own culture. The Association of Romanies has traditionally collaborated well with cultural institutions and the Ministry, which has supported their cultural activities more often than those of the national minorities which have a mother State and more funds for their cultural lif

240. Other vulnerable social groups are active as non-governmental organizations and are registered under the Law on Social Organizations and Citizens' Associations.

241. Pensioners' Associations and associations for the care of elderly persons are relatively numerous but they have a primarily social function. Such associations organize cultural programmes, i.e. performances at which artists take part free of charge. Elderly persons engage in organized amateur cultural activities less often.

242. Associations of disabled persons are organized either according to their condition and its consequences (the blind, the deaf, the dystrophy sufferers, the paraplegics) or according to the manner in which an injury occurred (occupational disabilities, war disabilities, civilian war victims). In the Republic of Serbia there are 18 associations of disabled persons, but no federation. Each association carries out its programme subject to the possibilities of its members or its own organizational and financial possibilities. The Ministry of Culture only finances the publishing programme for the blind. It extends minor grants to other categories of disabled persons usually for celebrations and jubilees. The programme of organizations

of disabled persons are for the most part financed by the Ministry for Labour, Health and Social Policy. These funds include small grants for cultural activities.

243. A separate culture of disabled persons is developing. All associations publish magazines which surpass the quality of ordinary magazines in their contents and layout. A considerable part of these magazines are devoted to the arts and the problems of culture. The associations occasionally organize programmes with the participation of prominent artists and cultural workers. There is a special school of poetry written by disabled persons. Since 1995 associations of disabled persons have been seeking to organize publishing activities. The first books, mostly of poetry, are of high artistic value.

244. A number of enthusiasts, including professional fashion designers and disabled persons, have set up a group which fashions clothing for disabled persons and has already achieved success in this field. There is a children's theatre in Kraljevo with disabled children taking part. The Feminist Group in Belgrade seeks to set up a theatre with disabled persons as actors. Almost all organizations of disabled persons have social clubs but they are used only by a small number of members because of inadequate space. Most cultural institutions use old buildings which lack the facilities for access by disabled persons which reduces the accessibility of cultural institutions to this population category.

245. In Montenegro, the Ministry of Culture of the republic of Montenegro supports cultural activities of disabled persons and particularly publishing activity by the blind.

246. International cultural cooperation is an important segment of overall foreign political activities of the Federal Republic of Yugoslavia. However, a part of Security Council resolution 757 (1992) which pertained to sanctions in the field of science and culture (para. 8 (c)) reads: [the Security Council decides that all States shall] "suspend scientific and technical cooperation and cultural exchanges and visits involving persons or groups officially sponsored by or representing the Federal Republic of Yugoslavia.". From that moment onwards, all affairs stemming from the concluded international treaties were discontinued, communications and information flows were blocked and serious difficulties emerged in the implementation of projects and actions in the field of international cultural cooperation. Yugoslav experts were denied the possibility to attend conferences, symposia, workshops and other expert gatherings in the field of culture and education, and in this way the country was deprived of the possibility to take certain stands regarding the most recent trends in those fields.

247. Immediately upon the adoption of the mentioned resolution, many countries proceeded to undertake concrete moves and activities which in many cases were legally disputable and represented a specific form of aggression: for example, the cited part of resolution 757 did not mention the suspension of educational cooperation, and it is precisely in this field that almost all countries discontinued their cooperation with Yugoslavia. In applying the sanctions, certain countries were even more rigorous than the mentioned resolution and used hitherto unknown selection criteria for what could or could not be implemented. Thus, for instance, at the beginning of

January 1993 the Walt Disney Publication company decided to freeze the right of Yugoslav papers and magazines to publish Disney cartoons, thus punishing children in the Federal Republic of Yugoslavia.

248. Even in these conditions, the Government of the Federal Republic of Yugoslavia pointed several times to the need to maintain international ties at all levels, stressing the need to maintain the continuity in international cooperation and placing emphasis particularly on international cultural cooperation. More specifically, and with a view to encouraging the development of international cooperation in the field of culture also in the conditions of sanctions, the Federal Government adopted in 1994 the document entitled "Effectuation of international cultural-educational cooperation with particular countries and international organizations in the conditions of sanctions and proposed measures and activities to be undertaken upon their lifting".

249. Nevertheless, despite these efforts, the measures of cultural isolation undertaken against our country impoverished our cultural life to a considerable extent. Throughout all these years we felt the absence of outstanding artists and ensembles which had traditionally been our guests in Yugoslavia. There were no major exhibitions in Yugoslavia nor had our exhibitions visited foreign countries. Cultural programmes were most often exchanged with the countries which had not broken off cultural contacts with Yugoslavia: Russia, Greece and China. However, the number of these guest appearances was too small.

250. After the Security Council adopted resolution 943 of 5 October 1994 on partial reduction of sanctions in particular fields, including culture, the Federal Government, proceeding from its programme objectives, laid down the following priorities in international educational-cultural cooperation: reintegration in international organizations and associations; strengthening of bilateral and multilateral cooperation; association with regional and subregional associations; normalization of relations with the former Yugoslav republics and neighbouring countries; renewal of long-standing cooperation with European countries; and lending a fresh impetus to cooperation with developing countries. As a result of this commitment, cultural cooperation agreements/programmes were concluded with the Russian Federation, Ukraine, Slovakia, Belarus, Greece, Italy, Cyprus, China, Romania and Bulgaria, and preparations are underway for the conclusion of relevant documents on cultural-educational cooperation with a large number of other countries: the Syrian Arab Republic, Israel, South Africa, Guinea, Brazil, Mexico, India, Republic of Korea, etc.

251. The policy of scientific-technological development covers the programmes of international technological cooperation the implementation of which presupposes the creation of favourable conditions for: international cooperation between academies of science and arts, research institutes, universities, firms, associations and individuals; the preparation of a list of countries according to the FRY's interests in scientific-technological cooperation; selecting the subject-matter of international cooperation primarily to correspond to the national strategic programmes and ensure diffusion of research and other findings of international cooperation for every subject-matter of that cooperation.

252. Within this programme priorities were set concerning cooperation with the United Nations system (UNDP, UNESCO, UNIDO, UNCTAD, ECE, FAO, WHO, WIPO); with international organizations (Bureau international des poids et mesures, International Organization of Legal Metrology, International Standardization Organization (ISO), International Electrotechnical Commission (IEC) with regional organizations (cooperation with projects within the Framework Community Programme of the Commission of the European Communities (COST and other programmes), OECD, PHARE); and with bilateral partners (countries from the group Dynamic Asian Economies, Russia, neighbouring countries and FRY's major exporting countries). Due to the sanctions, the cooperation with most of the mentioned organizations and States has not been effected, but the mentioned priorities have nevertheless remained topical. All multilateral activities, with rare exceptions, have been suspended, frozen or unilaterally abolished.

253. The abolishment of Security Council sanctions created conditions for the renewal and re-establishment of scientific and technical-technological cooperation. However, the organizations of the United Nations system responsible for development, with rare exceptions, still act in a restrictive manner when it comes to developmental, i.e. scientific and technical-technological, cooperation, seeking to justify their behaviour by resolution 47/1 which is still in force and concerns FRY's non-participation in the General Assembly. The largest regional organizations, like the OECD and the EU, follow the policy and practice of the United Nations system.

254. The effects of lifting of sanctions are most visible in the field of bilateral scientific-technical cooperation. In 1995 the FRY Government signed agreements on scientific-technical cooperation with the Governments of the Democratic People's Republic of Korea, Romania and the Russian Federation (December 1995). The programme of scientific-technical cooperation with France, which was discontinued in 1992, has been resumed. In 1996, the FRY Government signed agreements on scientific-technical cooperation with the Governments of Belarus, the People's Republic of China, Bulgaria (May 1996). A protocol on scientific-technical cooperation was signed between FRY and Greece. In 1997, FRY signed a protocol on scientific-technical cooperation with Italy and initialled draft agreements on scientific-technical cooperation with the former Yugoslav Republic of Macedonia and Ukraine. Preparations are under way for the signing of similar agreements with the Republic of Croatia and Poland. On the basis of the agreements with the former FRY, France, Greece and Italy have renewed their cooperation by concluding programmes comprising projects, exchange of researchers and scholarships.